



California Regulatory Notice Register

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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PROPOSED ACTION ON REGULATIONS

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TITLE 2. DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

NOTICE OF PROPOSED RULEMAKING

The Department of Fair Employment and Housing (DFEH or Department) proposes to adopt the regulations described below after considering all comments, objections, and recommendations regarding this rule-making proposal.

PUBLIC HEARING

The Department will hold a public hearing starting at **10:00 a.m. on April 6, 2010**, at the 7th Floor Conference Room of the Junipero Serra State Building located at 320 West Fourth Street, **Los Angeles**, California 90013.

The Department will hold a second public hearing starting at **10:00 a.m. on May 26, 2010**, at the Monterey Room of the Hiram Johnson State Building located at 455 Golden Gate Avenue, **San Francisco**, California 94102.

Both hearing rooms are wheelchair accessible. If a sign language interpreter, non-English-language interpreter or other accommodation is needed to attend or testify at the hearing, please notify Lisa Zeltner, Senior Legal Analyst, at (916) 478-7267 or lisa.zeltner@dfeh.ca.gov, at least two weeks before the scheduled date of the hearing.

At the hearings, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest. The Department requests but does not require that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Department. The written comment period closes at **5:00 p.m. on May 26,**

2010. The Department will consider only comments received at DFEH Headquarters by that time. Submit comments to:

Phyllis W. Cheng, Director
Department of Fair Employment and Housing
2218 Kausen Drive, Suite 100
Elk Grove, CA 95758

Comments also may be submitted by facsimile to (916) 478-7329 or by e-mail to phyllis.cheng@dfeh.ca.gov and annmarie.billotti@dfeh.ca.gov.

AUTHORITY AND REFERENCE

Government Code section 12930, subdivision (e), authorizes the Department to adopt these proposed regulations. The proposed regulations implement, interpret, and make specific the procedures of the DFEH set forth in Article 1 of Chapter 6 (employment, Unruh Civil Rights Act, Ralph Civil Rights Act, and Disabled Person Act discrimination complaints) (Gov. Code, §§ 12960 through 12976) and Article 2 of Chapter 6 (housing discrimination complaints) (Gov. Code, §§ 12980 through 12989.3) of the Fair Employment and Housing Act (FEHA) (Gov. Code, § 12900 et seq.).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

This rulemaking action clarifies and makes specific the Department's practice and procedure for receiving, investigating and conciliating complaints of employment, housing and public accommodation discrimination and hate crimes set forth in Government Code sections 12960 through 12976 and 12980 through 12989.3.

The DFEH was created by the Legislature in 1980 with the statutory authority to adopt regulations to carry out its duties and functions, which include receiving, investigating and conciliating complaints made unlawful by the FEHA (Gov. Code, § 12900, et seq.), Unruh Civil Rights Act (Civ. Code, § 51), Ralph Civil Rights Act (Civ. Code, § 51.7), and Disabled Persons Act (Civ. Code, § 54 et seq.). To date, the Department has not adopted the regulations the Legislature contemplated, although it has developed procedures of general application (DFEH Directives) for processing complaints of discrimination filed by members of the public. Many of the Department's procedures of general application fall outside any express statutory exemption to the rulemaking requirements of the Administrative Practices Act (APA). In compliance with the APA, the Department proposes to adopt these procedures as duly noticed, vetted, and authorized regulations.

The regulations proposed in this rulemaking action would provide the procedural steps for participation in

the DFEH administrative process and, where applicable, replace controlling DFEH Directives. The regulations set forth a Statement of Purpose and define key terms. The proposed regulations also include provisions governing the following: Filing a Complaint of Employment Discrimination with the Department; Liberal Construction of Complaints; Categories of Employment Discrimination Complaints Accepted by the Department for Filing; Complaints Taken For Filing Purposes Only (employment only); Obtaining a Right-to-Sue Notice From the Department (employment only); Filing a Complaint with the Department Alleging a Violation of the Unruh Civil Rights Act, Ralph Civil Rights Act, or Disabled Persons Act; Filing a Complaint of Housing Discrimination with the Department; Intake; Priority Intake; Drafting Complaints Filed for Investigation; Written Statement or Correspondence as Complaint; Testing (housing only); Multiple Complainants (housing only); Director's Complaints; Class Complaints; Retaliation Complaints — Special Considerations; Disability Complaints — Special Considerations; First Amendment Policy (housing only); Standard for Accepting Complaint When Act of Harm Occurred Outside California; Effect of Prior Waiver Agreements/Release of All Claims; Complaints Taken After Expiration of Statute of Limitation Due to Department Error; Complaints Dual-filed with EEOC (employment only); Complaints Transferred to EEOC for Processing (employment only); HUD-Generated Complaints (housing only); Department-Generated Complaints (housing only); Service of Complaints; Amending Complaints; Response to Complaint; Conciliation; Complaint Investigation; Investigative Subpoenas; Investigative Requests for Production and Inspection; Priority Processing/Case Grading System; Investigations Not Completed Within Statutory Time Limit; Receipt of Confidential Information; Accusation; Notice of Case Closure; EEOC Substantial Weight Review (employment only); Substantial Equivalence (housing only); and Departmental Appeal.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Department has made the following initial determinations:

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: No additional costs or savings beyond those imposed by the existing statute, Government Code section 12900 et seq., and existing procedures utilized by the Department.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.

Other nondiscretionary cost or savings imposed on local agencies: No additional costs or savings beyond those imposed by the existing statute, Government Code section 12900 et seq., and existing procedures utilized by the Department.

Costs or savings in federal funding to the state: None.

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None.

Cost impact on representative private persons or business: The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. No additional costs or savings beyond those imposed by the existing statute, Government Code section 12900 et seq., and existing procedures utilized by the Department, are anticipated.

Adoption of these regulations will not:

- (1) create or eliminate jobs in California;
- (2) create new businesses or eliminate existing businesses in California;
- (3) affect the expansion of businesses currently doing business in California.

Effect on housing costs: None.

Small business determination:

The Department has determined that the proposed regulations affect small business. However, no additional costs or savings beyond those already imposed by the existing statute, Government Code section 12900 et seq., and existing procedures utilized by the Department, will be imposed.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Department must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

The Department invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearings or during the written comment period.

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Phyllis W. Cheng, Director
Department of Fair Employment and Housing
2218 Kausen Drive, Suite 100
Elk Grove, CA 95758
Telephone: (916) 478-7250
Facsimile: (916) 478-7329
E-mail: phyllis.cheng@dfeh.ca.gov

The back-up contact person for these inquiries is:

Annmarie Billotti
Associate Chief Deputy Director/Special Projects
Counsel
Department of Fair Employment and Housing
2218 Kausen Drive, Suite 100
Elk Grove, CA 95758
Telephone: (916) 478-7247
Facsimile: (916) 478-7329
E-mail: annmarie.billotti@dfeh.ca.gov

Please direct requests for copies of the proposed text ("express terms") of the regulations, the Initial Statement of Reasons, the modified text of the regulations, if any, or any other information upon which the rulemaking is based to Director Cheng or Ms. Billotti at the above address.

AVAILABILITY OF STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, AND RULEMAKING FILE

The Department will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the Initial Statement of Reasons. The contact person identified in this notice shall make available to the public upon request the express terms of the proposed action. Copies can be obtained on the Department's Web site at www.dfeh.ca.gov. Copies also may be obtained by contacting Annmarie Billotti at the address, telephone number or e-mail address listed above.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations are available on the Department's Web site at www.dfeh.ca.gov.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearings and considering all timely and relevant comments received, the Department may

adopt the proposed regulations substantially as described in this notice. If the Department makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Annmarie Billotti at the address indicated above. The department will accept written comments on the modified regulations for 15 days after the date on which they are first made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Ms. Billotti at the above address.

TITLE 5. EDUCATION AUDIT APPEALS PANEL

Notice of Proposed Rulemaking

*Supplement to Audits of K-12
Local Education Agencies
Fiscal Year 2009-10*

The Education Audit Appeals Panel (EAAP) proposes to adopt the regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

A public hearing regarding this proposal is not currently scheduled. Not later than 15 days prior to the close of the written comment period, any interested person, or his or her authorized representative, may make a written request for a public hearing pursuant to Government Code section 11346.8, and a public hearing will be held. Requests for a public hearing should be addressed to Carolyn Pirillo.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action. The written comment period closes at **5:00 p.m. on Monday, April 5, 2010**. EAAP will consider only written comments received by that time. Written comments for EAAP's consideration should be directed to:

Carolyn Pirillo, Staff Counsel
Education Audit Appeals Panel
770 L Street, Suite 1100
Sacramento, CA 95814
Fax: (916) 445-7626
e-mail: cpirillo@eaap.ca.gov

AUTHORITY AND REFERENCE

Authority cited: Section 14502.1, Education Code.

Reference: Sections 14501, 14502.1, 14503, and 41020 of the Education Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The regulations in Title 5 of the California Code of Regulations, Division 1.5, Chapter 3, constitute the audit guide required by Education Code sections 14503 and 41020. The audit guide provides guidance, through definitions of terms and specification of procedures, to auditors in the conduct of statutorily required financial and compliance audits of local education agencies.

The proposed amendments to three sections of the audit guide will bring the regulations into conformance with legislation enacted effective July 28, 2009. (Assembly Bill 2 of the 2009–10 Fourth Extraordinary Session (ABX4 2), Chapter 2, Statutes 2009.) Subdivision (a) of Education Code Section 46201.2, which is applicable to fiscal years 2009–10 through 2012–13 provides that “a school district, county office of education, or charter school may reduce the equivalent of up to five days of instruction or the equivalent number of instructional minutes without incurring the penalties set forth in Sections 41420, 46200, 46200.5, 46201, 46201.5, 46202, and 47612.5...”

In Article 3 (State Compliance Requirements: Local Education Agencies Other Than Charter Schools), amendments and additions are made to Section 19824 to reflect the reductions in instructional time and days as authorized by the provisions of subdivision (a) of Education Code Section 46201.2.

In Article 4 (State Compliance Procedures: Charter Schools), amendments and additions are made to sections 19851 and 19854 to reflect the reductions in instructional time as authorized by the provisions of subdivision (a) of Education Code Section 46201.2. Section 19854(d) is further amended to conform the reference to Education Code Section 47612.5(a)(1), which now specifies the minimum instructional minutes instead of making reference to the minutes as set out in Education Code Section 46201(a)(3) (Stats. 2005, c. 543 (AB 1610), § 5).

Disclosures Regarding the Proposed Action:

- Mandate on local agencies and school districts: None
- Cost or savings to any state agency: None
- Cost to any local agency or school district which must be reimbursed in accordance with Government Code section 17561: None
- Other non-discretionary cost or savings imposed upon local educational agencies: None
- Cost or savings in federal funding to the state: None
- Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None.
- Cost impact on a representative private person or business: EAAP is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- Adoption of these regulations will not:
 - (1) create or eliminate jobs within California;
 - (2) create new businesses or eliminate existing businesses within California; or
 - (3) affect the expansion of businesses currently doing business within California.
- Significant effect on housing costs: EAAP has made an initial determination that the proposed regulatory action would not affect housing costs.
- Effect on small businesses: The proposed regulations will have no effect on small businesses because they do not materially alter the requirements for LEA audits.

Consideration of Alternatives:

In accordance with Government Code Section 11346.5(a)(13), EAAP must determine that no reasonable alternative considered by EAAP or that has otherwise been identified and brought to the attention of EAAP would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

EAAP invites interested persons to present statements or arguments regarding alternatives to the proposed regulations during the written comment period.

Contact Persons:

Inquiries concerning the substance of the proposed action, requests for a copy of the proposed text of the regulations, the Initial Statement of Reasons, the modified text of the regulations, if any, and other technical information upon which the rulemaking is based, and questions on the proposed administrative action may be directed to Carolyn Pirillo, Staff Counsel, at (916)

445-7745 or by e-mail: cpirillo@eaap.ca.gov. The back-up contact person for general inquiries is Cindy Chan, Executive Officer, at (916) 445-7745.

Availability of Initial Statement of Reasons and Text of Proposed Regulations:

The entire rulemaking file will be available for inspection and copying throughout the rulemaking process at EAAP's office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons. A copy may be obtained by contacting Carolyn Pirillo at the above address.

Availability of Changed or Modified Text:

Following the comment period, and a hearing, if requested, and consideration of all timely and relevant comments received, EAAP may adopt the proposed regulations substantially as described in this notice. If EAAP makes modifications that are sufficiently related to the originally proposed text, the modified text (with changes clearly indicated) will be available to the public for at least 15 days before EAAP adopts the regulations as revised. Requests for copies of any modified regulations should be sent to the attention of Carolyn Pirillo at the address stated above. EAAP will accept written comments on the modified regulations for 15 days after the date on which they are made available.

Availability of the Final Statement of Reasons:

Upon completion of the Final Statement of Reasons, a copy may be obtained by contacting Carolyn Pirillo at the above address, or from EAAP's website.

Availability of Documents on the Internet:

Copies of the Notice of Proposed Rulemaking, Initial Statement of Reasons, text of the regulations in underline and strikeout, any changed or modified text, and Final Statement of Reasons will be accessible, through the EAAP website: www.eaap.ca.gov.

**TITLE 5. SCHOLARSHARE
INVESTMENT BOARD**

**NOTICE OF PROPOSED
RULEMAKING ACTION**

**Sections 30960 through 30964
Title 5, Division 4.5, Chapter 3
California Code of Regulations**

NOTICE IS HEREBY GIVEN that the ScholarShare Investment Board (SIB), organized and operating pursuant to Sections 69980 through 69994 of the Education Code, proposes to adopt the proposed regulations de-

scribed below after considering all comments, objections and recommendations regarding the proposed action. Any person interested may present statements or arguments relevant to the proposed action to the attention of the Contact Person as listed in this Notice no later than 5:00 p.m. on Monday, April 5, 2010. SIB, upon its own motion or at the instance of any interested party, may thereafter adopt the proposal substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person(s) designated in this notice as Contact Person and will be mailed to those persons who submit statements related to this proposal or who have required notification of any changes to the proposal.

PROPOSED REGULATORY ACTION

SIB proposes to adopt Sections 30960, 30961, 30962, 30963, and 30964 of Title 5 of the California Code of Regulations (Regulations). The Regulations implement SIB's responsibilities related to the California Scholarshare Advancement Vehicle for Education (CalSAVE) Program.

AUTHORITY AND REFERENCE

Authority: Sections 69981 and 69982, Education Code. Sections 69981 and 69982 provides SIB with the authority to do all things reasonably necessary to carry out its responsibilities. Subsection 69981(e) of the Education Code provides SIB the authority to adopt regulations as it deems necessary.

Reference: Sections 69981(d)(1)-69981(d)(2) of the Education Code. These Regulations implement the CalSAVE Program and include a number of the requirements of that program contained in the reference code provisions and their implementing Regulations.

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

SIB was created in 1997 under the Golden State ScholarShare Trust Act with the passage of federal legislation allowing states to create and administer their own qualified tuition program as articulated in section 529 of the Internal Revenue Tax Code. SIB is responsible for the administration of the ScholarShare 529 Golden State Scholarshare College Savings Trust (Education Code section 69981, et seq.).

In 2008, Governor Schwarzenegger signed into law Senate Bill 1457, the CalSAVE Act. This bill established within the Scholarshare trust the CalSAVE Pro-

gram, with the intent of creating scholarships for beneficiaries determined by SIB. The CalSAVE account was established within the Scholarshare Trust, and SIB is responsible for establishing individual subaccounts within this larger account for the purpose of funding these scholarships. These accounts shall be funded by contributions from federal or local governments, or any other person, firm, partnership, or corporation, and from the Scholarshare administrative fund.

Scholarshare regulations need to be amended in order for SIB to administer this program. The amendments to the Regulations include the addition of the sections briefly summarized below:

Section 30960. Definitions Applicable to CalSAVE Program. Defines the meaning of the words and phrases used in the article as applicable to the CalSAVE Program.

Section 30691. Contributions. Defines the acceptable form of contributions made to the CalSAVE Program as well as how those contributions will be designated within the program.

Section 30962. Scholarship Eligibility. Provides the eligibility criteria that must be met by those under consideration for a CalSAVE Scholarship. This also provides guidance to the board in making determinations of eligible student recipients.

Section 30963. Eligible Partners. Provides the criteria necessary for organizations to partner with SIB in implementing the CalSAVE Program, and establishes what kind of groups may partner with SIB.

Section 30964. Scholarship Disbursement. Sets out the process by which CalSAVE Scholarships will be disbursed and unused scholarships will be handled.

OTHER MATTERS PRESCRIBED BY STATUTES APPLICABLE TO THE SPECIFIC STATE AGENCY OR TO ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS

No other matters prescribed by statute are applicable to SIB or to any specific Regulation or class of Regulations pursuant to 11346.5(a)(4) of the California Government Code pertaining to the proposed Regulations or SIB.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

SIB has determined that the Regulations do not impose a mandate on local agencies or school districts.

FISCAL IMPACT

SIB has determined that the Regulations do not impose any additional cost or savings to any state agency, any costs to any local agency or school district requiring

reimbursement under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code, any other non-discretionary cost or savings to any local agency, or any cost or savings in federal funding to the State.

INITIAL DETERMINATION REGARDING ANY SIGNIFICANT, STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS

SIB has made an initial determination that the Regulations will not have any significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

EFFECT ON SMALL BUSINESSES

SIB has determined that the adoption of the Regulations will not affect small businesses. CalSAVE is a voluntary scholarship program for designated categories of students in postsecondary education.

COST IMPACTS

SIB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

ASSESSMENT OF EFFECT ON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

Adoption of these regulations will not: (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.

COST IMPACT ON HOUSING

The Regulations will not have any effect on housing costs.

REASONABLE ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), SIB must determine that no reasonable alternative to the Regulations considered by SIB or that has otherwise been identified and brought to the attention of SIB would be more effective in carrying out the purpose for which the Regulations are proposed or would be as effective and less burdensome to affected private persons than the Regulations.

SIB invites interested persons to present statements with respect to alternatives to the Regulations during the written comment period.

AGENCY CONTACT PERSON(S)

Written comments, inquiries, and any questions regarding the substance of the Regulations shall be submitted or directed to:

Zeny M. Agullana, Executive Director
ScholarShare Investment Board
915 Capitol Mall, Room 219
Sacramento, CA 95814
(916) 651-6380

The following person is designated as a backup contact person for inquiries only regarding the Regulations:

Brian K. Aguilar, Analyst
ScholarShare Investment Board
(916) 653-3354

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the Regulations to SIB. The written comment period on the Regulations will end at 5:00 p.m. on April 5, 2010. All comments to be considered by SIB must be submitted in writing to the Agency Contact Person identified in this Notice by that time. In the event that changes are made to the Regulations during the written comment period, SIB will also accept additional written comments limited to any changed or modified Regulations for 15 calendar days after the date on which such Regulations, as changed or modified are made available to the public pursuant to title 1, Chapter 1, Section 44 of the California Code of Regulations. Such additional written comments should be addressed to the Agency Contact Person identified in this Notice.

AVAILABILITY OF INITIAL STATEMENT OF REASONS, RULEMAKING FILE AND EXPRESS TERMS OF PROPOSED REGULATIONS

Pursuant to the California Government Code, SIB has established a rulemaking file for this regulatory action, which contains those items required by law. The file is available for inspection at SIB's office at 915 Capitol Mall, Sacramento, California, during normal business hours. As of the date this Notice is published in the Notice Register, the rulemaking file consists of this Notice, the Initial Statement of Reasons, and the proposed text of the Regulations. Copies of these items are available upon request, from the Agency Contact Person designated in this Notice. The Sacramento address

will also be the location for inspection of the rulemaking file and any other public records, including reports, documentation and other materials related to this proposed regulatory action. In addition, the rulemaking file, including the Initial Statement of Reasons and the proposed text, may be viewed on SIB's Web site at www.treasurer.ca.gov/scholarshare.

PUBLIC HEARING

No public hearing regarding the Regulations has been scheduled. Anyone wishing a public hearing must submit a request in writing, pursuant to Section 11346.8 of the Government Code, to SIB at least 15 days before the end of the written comment period. Such request should be addressed to the Agency Contact Person identified in this Notice and should specify the Regulations for which the hearing is being requested.

15-DAY AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the written comment period ends and following a public hearing, if any is requested, SIB may adopt the Regulations substantially as described in this Notice, without further notice. If SIB makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public (including through SIB's Web site described above) for at least fifteen (15) calendar days before SIB adopts the proposed Regulations, as modified. Inquiries about and requests for written copies of any changed or modified regulations should be addressed to the Agency Contact Person identified in this Notice.

AVAILABILITY OF FINAL STATEMENT OF REASONS

SIB is required to prepare a Final Statement of Reasons pursuant to Government Code section 11346.9. Once SIB has prepared a Final Statement of Reasons, a copy will be made available to anyone who requests a copy and will be available on SIB's Web site described above. Written requests for copies should be addressed to the Agency Contact Person identified in this Notice.

TITLE 13. DEPARTMENT OF MOTOR VEHICLES

NOTICE IS HEREBY GIVEN

The Department of Motor Vehicles (the department) proposes to amend Sections 125.00, 125.02, 125.12, 125.16, 125.18, 125.20, and 125.22 and adopt Sections

126.00, 126.02, 126.04, 127.00, 127.02, 127.04, 127.06, 127.08 and 127.10 in Article 2.55, Chapter 1, Division 1, Title 13 of the California Code of Regulations, relating to the California Ignition Interlock Device Program.

PUBLIC HEARING

A public hearing regarding this proposed regulatory action is not scheduled. However, a public hearing will be held if any interested person or his or her duly authorized representative requests a public hearing to be held relevant to the proposed action by submitting a written request to the contact person identified in this notice no later than 5:00 p.m., fifteen (15) days prior to the close of the written comment period.

DEADLINE FOR WRITTEN COMMENTS

Any interested person or his or her duly authorized representative may submit written comments relevant to the proposed regulations to the contact person identified in this notice. All written comments must be received at the department no later than 5:00 p.m. on April 5, 2010, the final day of the written comment period, in order for them to be considered by the department before it adopts the proposed regulations.

AUTHORITY AND REFERENCE

The department proposes to adopt the proposed action under the authority granted by Vehicle Code section 1651, in order to implement, interpret or make specific Vehicle Code sections 13352, 13386, 14601, 14601.2, 14601.4, 14601.5, 23152, 23153, 23573, 23575, and 23700.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

This action is based on the passage of Senate Bill (SB) 1388 (Chapter 404, Statutes of 2008), Assembly Bill (AB) 91 (Chapter 217, Statutes of 2009) and Senate Bill 598 (Chapter 193, Statutes of 2009). Passage of these bills implement changes in the California Ignition Interlock Device Program and are being combined into one rulemaking file.

SB 1388 implements Vehicle Code section 23573. Vehicle Code section 23573 requires the department, upon receipt of a court's abstract of conviction of Vehicle Code section 14601.2, 14601.4 or 14601.5, subsequent to prior conviction(s) of Vehicle Code section 14601.2, 14601.4, 14601.5, 23103.5, 23152 or 23153, to notify the convicted person of his or her requirement

to have an ignition interlock device (IID) installed in their vehicle.

Vehicle Code section 23573 allows the department to charge an administrative fee sufficient to offset the costs of administering the department ordered IID program.

Vehicle Code section 23573 requires program participants to have the IID installed within thirty days of the mail date of the department's notice by an authorized IID installer and verification of the installation to be submitted to the department on a department prescribed "Verification of Installation" form.

Vehicle Code section 23573 requires participants to return the vehicle at least once every sixty days for the installer to ensure the IID is operating properly and check for signs of tampering, attempts at removing, or bypassing the IID.

The department has determined it necessary to promulgate regulations providing the application process, including the adoption of a new, distinguishing verification of installation form, and fee requirements for participants required to have an IID installed. These regulations will provide an exemption process for drivers authorized to claim such an exemption pursuant to Vehicle Code section 23573(g)(1)(A) and provide the distribution of documents required to ensure all parties have paperwork necessary to comply with Article 2.55, California Code of Regulations.

AB 91 implements Vehicle Code section 23700. Vehicle Code section 23700 requires the department to establish a pilot program in the counties of Alameda, Los Angeles, Sacramento and Tulare, whereby, as a condition of being issued or reissued a driver license, a driver convicted of certain driving under the influence provisions is required to have an ignition interlock device (IID) installed in his or her vehicle for a specified period of time.

In addition to requiring the department to notify drivers of IID installation and monitoring requirements, AB 91 requires IID manufacturers and manufacturer's agents to adopt a reduced fee schedule, based on a person's ability to pay proportionate with that person's income relative to the federal poverty level, for payment of IID costs. IID manufacturers and manufacturer's agents are currently required to adopt fee schedules that provide for the payment of the costs of the IID by applicants equal to the applicant's ability to pay. Under this program, a driver convicted of violating Vehicle Code section 23152 is required to have a certified IID installed in all vehicles owned or operated by the driver for a term as follows:

- First offense — Mandatory term of five months
- Second offense — Mandatory term of twelve months

- Third offense — Mandatory term of twenty-four months
- Fourth and subsequent offense — Mandatory term of thirty-six months

A driver convicted of violating Vehicle Code section 23153 is required to have a certified IID installed in all vehicles owned or operated by the driver for a term as follows:

- First offense — Mandatory term of twelve months
- Second offense — Mandatory term of twenty-four months
- Third offense — Mandatory term of thirty-six months
- Fourth and subsequent offense — Mandatory term of forty-eight months

Provisions of AB 91 require drivers to adhere to IID monitoring requirements similar to those established in current IID regulations and provide for exclusions similar to those permitted by SB 1388.

DOCUMENTS INCORPORATED BY REFERENCE

The following forms are incorporated by reference:

- Application for Certification of Ignition Interlock Device, form DL 9 (REV 4/2000) in Section 125.02
- Laboratory Report, form DL 28 (REV 3/2000) in Section 125.02
- Verification of Installation, form DL 920, (REV 7/2010) in Section 125.12, 125.16
- Ignition Interlock Notice of Removal, form DL 922 (REV 1/2007) in Section 125.12, 125.20
- Notice of Non-Compliance, form DL 921 (NEW 1/99) in Section 125.18
- Notice to Employers, Ignition Interlock Restriction, form DL 923 (1/99) in Section 125.22
- Department of Motor Vehicles Ordered Verification of Ignition Interlock, form DL 924 (REV 7/2010) in Section 126.00
- Exemption for Ignition Interlock Device, form DL 4054B (REV 7/2010), in Section 126.04
- Exemption for Ignition Interlock Device, form DL 4055B (NEW 7/2010) in Section 127.04
- Report of False Positives/Reset Time, form DL 9A (NEW 7/2010) in Section 127.06

These forms are not published in the California Code of Regulations, because it would be impractical and cumbersome to publish these documents in the Code of Regulations, however, the documents are readily available to the affected public on the department's internet

website or by contacting the departmental representative identified below.

FISCAL IMPACT STATEMENT

- Cost or Savings to Any State Agency: None.
- Other Non-Discretionary Cost or Savings to Local Agencies: None.
- Costs or Savings in Federal Funding to the State: None.
- Cost Impact on Representative Private Persons or Businesses: The department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- Effect on Housing Costs: None.

DETERMINATIONS

The department has made the following initial determinations concerning the proposed regulatory action:

- The proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. No studies or data were relied upon in support of this proposal.
- The adoption of this regulation will neither create nor eliminate jobs or businesses in the state of California, will not result in the elimination of existing businesses, and will neither reduce nor expand businesses currently doing business in the state of California.
- The proposed regulatory action will not impose a mandate on local agencies or school districts, or a mandate which requires reimbursement pursuant to part 7 (commencing with Section 17500) of Division 4 of the Government Code.
- The proposed regulatory action will not affect small businesses because the regulations only provide definition for the existing language used in the Vehicle Code.

PUBLIC DISCUSSIONS OF PROPOSED REGULATIONS

A pre-notice workshop, pursuant to Government Code section 11346.45, is not required because the issues addressed in the proposal are not so complex or large in number that they cannot easily be reviewed during the comment period.

ALTERNATIVES CONSIDERED

The department must determine that no reasonable alternative considered by the department or that has

otherwise been identified and brought to the attention of the department would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

CONTACT PERSON

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Randi Calkins
Department of Motor Vehicles
Legal Affairs Division
P.O. Box 932382, MS C-244
Sacramento, CA 94232-3820
Telephone: (916) 657-6469
Facsimile: (916) 657-1204
E-Mail: RCalkins@dmv.ca.gov

In the event the contact person is unavailable, inquiries should be directed to the following back-up person:

Cathy Sowell, Chief of Staff
Telephone: (916) 657-6469

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The department has prepared an Initial Statement of Reasons for the proposed action, and has available all the information upon which the proposal is based. The contact person identified in this notice shall make available to the public upon request the aforementioned Initial Statement of Reasons and the Express Terms of the proposed action using underline or italics to indicate additions to, and strikeout to indicate deletions from, the California Code of Regulations.

The contact person identified in this notice shall also make available to the public upon request the Initial Statement of Reasons and Final Statement of Reasons, and the location of public records, including reports, documentation and other materials related to the proposed action. In addition, the above-cited materials (Initial Statement of Reasons and Express Terms) may be accessed at <http://www.dmv.ca.gov/about/lad/regactions.htm>.

AVAILABILITY OF MODIFIED TEXT

Following the written comment period, and the hearing if one is held, the department may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the full modified

text with changes clearly indicated shall be made available to the public for at least 15 days prior to the date on which the department adopts the resulting regulations. Requests for copies of any modified regulations should be addressed to the department contact person identified in this notice. The department will accept written comments on the modified regulations for 15 days after the date on which they are first made available to the public.

TITLE 14. FISH AND GAME COMMISSION

Notice of Proposed Changes in Regulations

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 202, 205, 215, 220, 240, 315 and 316.5 of the Fish and Game Code and to implement, interpret or make specific sections 200, 202, 205, 206, 215 and 316.5 of said Code, proposes to amend Section 7.50, Title 14, California Code of Regulations, relating to Central Valley salmon sport fishing.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Pacific Fishery Management Council (PFMC) will develop the annual Pacific coast ocean salmon fisheries regulatory options for public review at their March 11, 2010 meeting and develop the final PFMC regulatory recommendations to the National Marine Fisheries Service at their April 15, 2010 meeting. The PFMC coordinates Pacific coast management of the sport and commercial salmon fisheries of Washington, Oregon, California, and Idaho aimed at meeting biological and fishery allocation goals specified in law or established in the Salmon Fishery Management Plan.

Although there are no PFMC regulatory options to review at this time, there exists a strong possibility of closure of ocean waters off California. This closure will result in PFMC recommendations for sport salmon fishery closure in inland waters due to low 2009 Sacramento River Fall Chinook salmon returns to the Central Valley river system.

Further Commission actions affecting the Central Valley salmon sport fishery may be developed after the annual PFMC reports, *Review of 2009 Ocean Salmon Fisheries* and *Preseason Report I Stock Abundance Analysis for 2010 Ocean Salmon Fisheries*, are available in late February 2010.

Present Regulations

The current regulations allow for no salmon fishing for Chinook salmon in all anadromous Central Valley

rivers and streams except for a one salmon bag limit in the Sacramento River from Red Bluff Diversion Dam to Knights Landing from November 16 through December 31.

Proposed Regulations

For public notice purposes and to facilitate Commission discussion, the Department is proposing the following three options for the 2010 regulations:

Option 1 — No change option, to keep present regulations in place

Option 2 — No salmon fishing in all anadromous Central Valley rivers and streams

This option proposes to close all anadromous areas of the Central Valley to salmon sport fishing with the following changes:

- 1) In subsection 7.50(b)(156)(J), replace the one salmon bag limit in Sacramento River from Red Bluff Diversion Dam to Knights Landing from November 1 through December 31 with language that states “Closed to salmon fishing” and “No take or possession of salmon”.

This option would increase protection for all Central Valley Chinook stocks in all anadromous Central Valley rivers and streams.

Option 3 — Limited salmon fishing in the American or Feather rivers or the Sacramento River below Red Bluff Diversion Dam

This option depends on Chinook salmon being allocated for Central Valley river sport harvest from PFMC coordination of west coast salmon management. The scope of this option is intentionally broad to encapsulate all possibilities for the Commission final action on the PFMC 2010 recommendations for Central Valley salmon stocks in mid-April.

For the American and Feather rivers and the Sacramento River below the Red Bluff Diversion Dam, the proposed changes are bag limit ranges of 1 or 2 for Chinook salmon. Varied season dates for lower river reaches as shown below:

American River, subsection 7.50(b)(5)

- 1) Revise subsections (A) and (D) [from near Nimbus Dam to Hazel Avenue Bridge, and from the southwest boundary of Ancil Hoffman Park to the mouth]:
 - a. Reduce season length to January 1 through a date between July 15 and December 31 to be closed to salmon fishing, allowing existing trout and steelhead limits.
 - b. For the remainder of the year, there will be a bag limit range of 1–2 Chinook salmon, allowing existing trout and steelhead bag limits.

- 2) Revise subsection (B) [from Hazel Avenue Bridge to the USGS gauging station cable crossing near Nimbus Hatchery]:
 - a. Reduce season length to January 1 through a date between July 15 and September 14 to be closed to salmon fishing, allowing existing trout and steelhead limits.
 - b. For the period after a. above through September 14, there will be a bag limit range of 1–2 Chinook salmon, allowing existing trout and steelhead bag limits.
- 3) Revise subsection (C) [from the USGS gauging station cable crossing near Nimbus Hatchery to the southwest boundary of Ancil Hoffman Park]:
 - a. Reduce season length to January 1 through a date between July 15 and October 31 to be closed to salmon fishing, allowing existing trout and steelhead limits.
 - b. For the period after a. above through October 31, there will be a bag limit range of 1–2 Chinook salmon, allowing existing trout and steelhead bag limits.

Feather River, subsection 7.50(b)(68)

- 1) Revise subsection (C) [Highway 70 to the Sunset Pumps]:
 - a. Reduce season length to January 1 through a date between July 15 and September 30 to be closed to salmon fishing, allowing existing trout and steelhead limits.
 - b. For the period after a. above through September 30, there will be a bag limit range of 1–2 Chinook salmon, allowing existing trout and steelhead bag limits.
 - c. Add October 1 through December 31 as “Closed to salmon fishing” and “No take or possession of salmon”, allowing existing trout and steelhead limits to reinstate pre-2008 protective closure for migrating Yuba River salmon.
- 2) Add subsection (D) [Sunset Pumps to the mouth]:
 - a. Add season length to January 1 through a date between July 15 and December 31 to be closed to salmon fishing, allowing existing trout and steelhead limits.
 - b. For the remainder of the year, there will be a bag limit range of 1–2 Chinook salmon, allowing existing trout and steelhead bag limits.

Sacramento River, subsection 7.50(b)(156)

- 1) In subsections (J) and (K) [from near the Lower Red Bluff Boat Ramp to Knights Landing and from Knights Landing to the Carquinez Bridge]:

- a. Reduce season length to January 1 through a date between July 15 and December 31 to be closed to salmon fishing, allowing existing trout and steelhead limits.
- b. For the remainder of the year, there will be a bag limit range of 1–2 Chinook salmon, allowing existing trout and steelhead bag limits.

This option will increase protection for Central Valley Chinook in all anadromous Central Valley rivers and streams while providing flexibility to develop a possible season, if salmon are available for inland sport harvest.

Additional minor changes to the regulations are proposed to improve clarity, reduce public confusion, and simplify Title 14 structure.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Doubletree Ballroom, Doubletree Hotel–Ontario Airport, 222 North Vineyard Ave., Ontario, California, on Wednesday, March 3, 2010 at 8:30 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS FURTHER GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the La Grande Room, Beach Resort Monterey, 2600 Sand Dunes Dr., Monterey, California, on Thursday, April 8, 2010, at 8:30 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Fish and Game Commission Conference Room, State of California Resources Building, 1416 Ninth Street, Room 1320, Sacramento, California, on Wednesday, April 21, 2010, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before April 16, 2010 at the address given below, or by fax at (916) 653–5040, or by e-mail to FGC@fgc.ca.gov. **Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on April 20, 2010. All comments must be received no later than April 21, 2010 at the hearing in Sacramento, California.** If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in strikeout–underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, John Carlson, Jr., Executive Director, Fish and Game Commission, 1416 Ninth Street, Box

944209, Sacramento, California 94244–2090, phone (916) 653–4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to John Carlson, Jr., or Sherrie Fonbuena at the preceding address or phone number. **Mr. Neil Manji, Branch Chief, Fisheries Branch, Department of Fish and Game, phone (916) 327–8840, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15–day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

Impact of Regulatory Action

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) **Significant Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete with Businesses in Other States:** The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed changes are necessary for the continued

preservation of the resource and therefore the prevention of adverse economic impacts.

- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.
- (c) Cost Impacts on a Representative Private Person or Business:

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.
- (h) Effect on Housing Costs: None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code sections 11342.580 and 11346.2(a)(1).

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

TITLE 14. FISH AND GAME COMMISSION

Notice of Proposed Changes in Regulations

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 202, 205, 215, 220, 240, 315 and 316.5 of the Fish and Game Code and to implement, interpret or make specific sections 200, 202, 205, 206, 215 and 316.5 of said Code, proposes to amend Section 7.50, Title 14, California Code of Regulations, relating to Klamath–Trinity rivers sport fishing.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Klamath River System, which consists of the Klamath River and Trinity River basins, is managed through a cooperative system of State, Federal, and Tribal management agencies. Salmonid regulations are designed to meet natural and hatchery escapement needs for salmonid stocks, while providing equitable harvest opportunities for ocean recreational, ocean commercial, river recreational and Tribal fisheries.

The Pacific Fishery Management Council (PFMC) is responsible for adopting recommendations for the management of recreational and commercial ocean salmon fisheries in the Exclusive Economic Zone (three to 200 miles offshore) off the coasts of Washington, Oregon, and California. When approved by the Secretary of Commerce, these recommendations are implemented as ocean salmon fishing regulations by the National Marine Fisheries Service (NMFS).

The California Fish and Game Commission (Commission) adopts regulations for the ocean salmon recreational (inside three miles) and the Klamath River System recreational fisheries which are consistent with federal fishery management goals.

Two Tribal entities within the Klamath River System, the Hoopa Valley Tribe and the Yurok Tribe, maintain fishing rights for ceremonial, subsistence and commercial fisheries that are managed consistent with federal fishery management goals. Tribal fishing regulations are promulgated by the Hoopa and Yurok Tribes.

Klamath River Fall–Run Chinook

Klamath River fall–run Chinook salmon (KRFC) harvest allocations and natural spawning escapement goals are established by the PFMC. The KRFC harvest allocation between Tribal and non–Tribal fisheries is based on court decisions and allocation agreements between the various fishery representatives.

The 2010 KRFC in–river recreational fishery allocation recommended by the PFMC is currently unknown. All proposed closures for adult KRFC are designed to ensure sufficient spawning escapement in the Klamath basin and equitably distribute harvest while operating within annual allocations.

Klamath River Spring–Run Chinook

The Klamath River System also supports Klamath River spring–run Chinook salmon (KRSC). Naturally produced KRSC are both temporally and spatially separated from KRFC in most cases. In addition to natural stocks, the California Department of Fish and Game's (Department) Trinity River Hatchery facility produces 1.4 million KRSC salmon annually as mitigation for habitat lost above the Trinity Dam.

KRFC Allocation Management

The 2009 allocation for the Klamath River System recreational harvest was 30,800 adult KRFC. Preseason stock projections of 2010 adult KRFC abundance will not be available from the PFMC until March 2010. The 2010 basin allocation will be recommended by the PFMC in April 2010 and presented to the Commission for adoption prior to its April 21, 2010 teleconference call.

For public notice requirements, the Department recommends the Commission consider an allocation range of 0–40,000 adult KRFC in the Klamath River basin for the river recreational fishery. This recommended range encompasses the historical range of the Klamath River basin allocations and allows the PFMC and Commission to make adjustments during the 2010 regulatory cycle.

The Commission may modify the KRFC in–river recreational salmon harvest allocation which is normally 15% of the non–Tribal PFMC harvest allocation. Commission modifications need to meet biological and fishery allocation goals specified in law or established in the PFMC Salmon Fishery Management Plan otherwise harvest opportunities may be reduced in the California ocean fisheries.

The annual KRFC in–river harvest allocation is split into 4 geographic areas with sub–quotas assigned to each. They are as follows:

1. For the main stem Klamath River from 3,500 feet downstream of the Iron Gate Dam to the Highway 96 bridge at Weitchpec 17% of the recreational fishery allocation,
2. for the main stem Klamath River from downstream of the Highway 96 bridge at Weitchpec to the mouth 50% of the recreational fishery allocation,
3. for the Trinity River downstream of the Old Lewiston Bridge to the Highway 299 West bridge at Cedar Flat 16.5% of the recreational fishery allocation, and
4. for the Trinity River downstream from the Denny Road bridge at Hawkins Bar to the confluence with the Klamath River 16.5% of the recreational fishery allocation.

The Spit Area (within 100 yards of the channel through the sand spit formed at the Klamath River mouth), closes to all fishing after 15% of the lower Klamath River sub–quota (area number 2 above) has been taken downstream of the Highway 101 bridge. This provision only applies if the Department projects that the

total Klamath River System recreational fishery allocation will be met. This closure is intended to prevent excessive take near the mouth where fish are concentrated and will help to provide an equitable distribution of KRFC harvest in the upper river.

These geographic areas are based upon historical angler effort distribution and ensure equitable harvest of adult KRFC in the upper Klamath River and Trinity River. The sub–quota system requires the Department to monitor angler harvest of adult KRFC in each geographic area. All areas will be monitored on a real time basis except for the following:

Klamath River upstream of Weitchpec and the Trinity River: Due to funding and personnel reductions, the Department will be unable to deploy adequate personnel to conduct harvest monitoring in the Klamath River upstream of Weitchpec and in the Trinity River for the 2010 season. The Department has reviewed salmon harvest and run–timing data for these areas. Based on this review, the Department has developed a Harvest Predictor Model (HPM) which incorporates historic creel survey data from the Klamath River downstream of Iron Gate Dam to the confluence with the Pacific Ocean and the Trinity River downstream of Lewiston Dam to the confluence with the Klamath River. The HPM is driven by the positive relationship between KRFC harvested in the Klamath River and Trinity River. The HPM will be used by the Department to implement fishing closures to ensure that anglers do not exceed established sub–quota targets.

Current Recreational Fishery Management

The KRFC in–river recreational harvest allocation is divided into geographic areas and harvest is monitored under real time sub–quota management.

Presently, KRSC stocks are not managed or allocated by the PFMC. The in–river recreational fishery is managed by general basin seasons, daily bag and possession limit regulations. KRSC harvest will be monitored on the lower Klamath River in 2010 and ensuing years by a creel survey.

The Department presently differentiates the two stocks by following dates:

Klamath River

1. January 1 through August 14 — General Season KRSC. Text is proposed to be added to subsection (91.1)(C)2. to clarify that the Chinook salmon possession limits apply to that section of the Klamath River downstream of the Highway 96 bridge at Weitchpec.
2. August 15 to December 31 — KRFC quota management.

Trinity River

1. January 1 through August 31 — General Season KRSC. Text is proposed to be added to subsection (91.1)(C)2. to clarify that the Chinook salmon possession limits apply to that section of the Trinity River downstream of the Old Lewiston Bridge to the confluence with the South Fork Trinity River.
2. September 1 through December 31 — KRFC quota management.

The daily bag and possession limits apply to both stocks within the same sub-area and time period.

Proposed Changes

The Department is proposing the following changes to current regulations:

KRFC Season, Bag Limit, and Possession Limit

For public notice requirements, a range of KRFC bag and possession limits are proposed until the 2010 basin quota is adopted. As in previous years, no retention of adult KRFC salmon is proposed for the following areas, once the sub quota has been met.

No changes are proposed for the general (KRSC) opening and closing season dates.

The proposed open seasons and range of bag limits for KRFC salmon stocks are as follows:

1. Klamath River — August 15 to December 31
2. Trinity River — September 1 to December 31
3. Bag Limit — [0–4] Chinook salmon — only [0–3] fish over 22 inches total length until sub quota is met, then 0 fish over 22 inches total length.

The possession limit is proposed as a range of [0–9] Chinook salmon of which [0–6] over 22 inches total length may be retained when the take of salmon over 22 inches total length is allowed.

Expansion of waters open to angling on the South Fork Trinity River

The Department proposes to open that section of the main stem South Fork Trinity River from downstream of the confluence of the East Fork of the South Fork Trinity River to the Hyampom bridge to angling from November 1 through March 31 annually. In the past the Hyampom bridge was the upstream limit for recreational angling in the basin. This action would provide angling opportunity to approximately 30 miles of the main stem South Fork Trinity River while providing regulatory consistency in current fishery management of the basin.

The proposed fishery is intended to target fall–run and winter–run steelhead utilizing barbless artificial lures with a proposed bag and possession limit of 0 for all species. The timing and duration of this fishery are designed to prevent any adverse impacts on sensitive species that inhabit the basin including: fall–run Chi-

nook salmon, spring–run Chinook salmon and summer steelhead. The fishery would open after all Chinook salmon and summer steelhead have completed their spawning cycle and close before adult spring–run Chinook salmon and summer steelhead enter the system the following season.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Doubletree Ballroom, Doubletree Hotel–Ontario Airport, 222 North Vineyard Ave., Ontario, California, on Wednesday, March 3, 2010 at 8:30 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS FURTHER GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the La Grande Room, Beach Resort Monterey, 2600 Sand Dunes Dr., Monterey, California, on Thursday, April 8, 2010, at 8:30 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Fish and Game Commission Conference Room, State of California Resources Building, 1416 Ninth Street, Room 1320, Sacramento, California, on Wednesday, April 21, 2010, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before April 16, 2010 at the address given below, or by fax at (916) 653–5040, or by e-mail to FGC@fgc.ca.gov. **Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on April 20, 2010. All comments must be received no later than April 21, 2010 at the hearing in Sacramento, California.** If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in strikeout–underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, John Carlson, Jr., Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244–2090, phone (916) 653–4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to John Carlson, Jr., or Sherrie Fonbueña at the preceding address or phone number. **Mr. Mark Stopher, Acting Regional Manager, Northern Region, Department of Fish and Game, phone (530) 225–2275, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the ad-

dress above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

Impact of Regulatory Action

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed regulations are projected have an unknown impact on the net revenues to businesses servicing sport fishermen. This is not likely to affect the ability of California businesses to compete with businesses in other states. The preservation of Klamath River salmon stocks is necessary for the success of lower and upper Klamath River Basin businesses which provide goods and services related to fishing. The proposed changes are necessary for the continued preservation of the resource and therefore the prevention of adverse economic impacts.

- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses

or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.

- (c) Cost Impacts on a Representative Private Person or Business:

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.
- (h) Effect on Housing Costs: None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code sections 11342.580 and 11346.2(a)(1).

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

**TITLE 14. FISH AND GAME
COMMISSION**

Notice of Proposed Changes in Regulations

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 202, 205, 220, 240, 316.5 and 2084 of the Fish and Game Code and to implement, interpret or make specific sections 200, 202, 205, 316.5 and 2084 of said Code, proposes to amend Section 27.80, Title 14, California Code of Regulations, relating to ocean salmon sport fishing.

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

The Pacific Fishery Management Council (PFMC) annually reviews the status of west coast salmon popu-

lations. As part of that process, it recommends ocean salmon fisheries regulations aimed at meeting biological and fishery allocation goals specified in law or established in the Salmon Fishery Management Plan (FMP). These recommendations coordinate west coast management of sport and commercial ocean salmon fisheries in the Federal fishery management zone (3 to 200 miles offshore) off Washington, Oregon and California. These recommendations are subsequently implemented as ocean fishing regulations by the National Marine Fisheries Service.

California's sport fishing regulations will need to conform to the new Federal regulations to achieve optimum yield in California under the FMP. The Fish and Game Commission (Commission) adopts regulations for the ocean salmon sport fishery in State waters (zero to three miles offshore) which are consistent with Federal fishery management goals and are effective at the same time.

PFMC Regulatory Outlook

On March 11, 2010, the PFMC will develop the ocean salmon fisheries regulatory options for public review and the final PFMC regulation recommendations will be made on April 14, 2010. The various ocean salmon sport fishery alternatives that the PFMC will examine in the process of adopting options may include:

1. the minimum size of salmon that may be retained;
2. the number of rods anglers may use (e.g., one, two, or unlimited);
3. the type of bait and/or terminal gear that may be used (e.g., amount of weight, hook type, and type of bait or no bait);
4. the number of salmon that may be retained per angler-day or period of days;
5. the definition of catch limits to allow for combined boat limits versus individual angler limits;
6. the allowable fishing dates and areas; and
7. the overall number of salmon that may be harvested, by species and area.

Commission Regulatory Outlook

Although there are no PFMC regulatory options to review at this time, the PFMC March options will serve as the basis for the Commission's 2010 regulatory action affecting the State's ocean salmon sport fishery. There exists a possibility of continued ocean water closures off California due to low Sacramento River fall Chinook salmon returns to the Central Valley river system in 2009.

Further Commission actions affecting the ocean salmon sport fishery may be developed after the annual PFMC reports, *Review of 2009 Ocean Salmon Fisheries* and *Preseason Report I Stock Abundance Analysis*

for 2010 Ocean Salmon Fisheries, are available in late February 2010.

Present Regulations

Current regulations have a short salmon fishing season north of Horse Mountain including Humboldt Bay from August 29 through September 7, 2009. All areas south of Horse Mountain were closed in 2009, but include a note that in 2010, the season in these areas will open on April 3.

Proposed Regulations

For public notice purposes to facilitate Commission discussion, the Department of Fish and Game (Department) is proposing two regulatory options:

- 1) No fishing in all areas, and
- 2) Limited salmon fishing, if salmon allocations are made available

The proposed changes from current regulations are shown below:

Option 1 — No fishing in all areas

The date ranges in the following areas are proposed to encapsulate all possibilities of the Commission final action on the PFMC 2010 recommendations in mid-April. This approach will allow final State ocean salmon regulations to be effective at the same time as salmon regulations in federal ocean waters.

- (1) For the area north of Horse Mountain, the following language is proposed to replace the existing regulations:
 - a. All waters of the ocean north of Horse Mountain and in Humboldt Bay are closed to salmon fishing.
 - b. (Note: In 2011, the season will open on a date within the range of May 21–September 30.)
- (2) For the area between Horse Mountain and Point Arena, the following language is proposed to replace the existing note in the regulations:
 - a. (Note: In 2011, the season will open on a date within the range of February 12–April 30)
- (3) For all areas south of Point Arena, the following language is proposed to replace the existing note in the regulations:
 - a. (Note: In 2011, the season will open on a date within the range of April 2–April 30).

Option 2 — Limited salmon fishing, if salmon allocations are made available

The date ranges in the following areas are proposed to encapsulate all possibilities of the Commission final action on the PFMC 2010 recommendations in mid-April. This approach will allow final State ocean salmon regulations to be effective at the same time as salmon regulations in federal ocean waters.

- (1) For all waters of the ocean north of Horse Mountain and in Humboldt Bay: The season, if any, may occur within the range of May 15–September 30. The exact opening and closing dates, and the length of the season will be determined in April by the PPMC. In 2011, the season will open on a date within the range of May 21–September 30.
- (2) For the area between Horse Mountain and Point Arena: The season, if any, may occur within the range of April 3–November 14. The exact opening and closing dates, and the length of the season will be determined in April by the PPMC. In 2011, the season will open on a date within the range of February 12–April 30.
- (3) For the area between Point Arena and Pigeon Point: The season, if any, may occur within the range of April 3–November 14. The exact opening and closing dates, and the length of the season will be determined in April by the PPMC. In 2011, the season will open on a date within the range of April 2–April 30.
- (4) For the areas between Pigeon Point and Point Sur: The season, if any, may occur within the range of April 3–October 3. The exact opening and closing dates, and the length of the season will be determined in April by the PPMC. In 2011, the season will open on a date within the range of April 2–April 30.
- (5) For the areas south of Point Sur: The season, if any, may occur within the range of April 3–October 3. The exact opening and closing dates, and the length of the season will be determined in April by the PPMC. In 2011, the season will open on a date within the range of April 2–April 30.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Doubletree Ballroom, Doubletree Hotel–Ontario Airport, 222 North Vineyard Ave., Ontario, California, on Wednesday, March 3, 2010 at 8:30 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS FURTHER GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the La Grande Room, Beach Resort Monterey, 2600 Sand Dunes Dr., Monterey, California, on Thursday, April 8, 2010, at 8:30 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Fish and Game Commission Conference Room, State of California Resources Building, 1416 Ninth Street, Room 1320,

Sacramento, California, on Wednesday, April 21, 2010, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before April 16, 2010 at the address given below, or by fax at (916) 653–5040, or by e-mail to FGC@fgc.ca.gov. **Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on April 20, 2010. All comments must be received no later than April 21, 2010 at the hearing in Sacramento, California.** If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in strikeout–underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, John Carlson, Jr., Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244–2090, phone (916) 653–4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to John Carlson, Jr., or Sherrie Fonbuena at the preceding address or phone number. **Ms. Marija Vojkovich, Regional Manager, Marine Region, Department of Fish and Game, phone (805) 568–1246, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address

above when it has been received from the agency program staff.

Impact of Regulatory Action

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed changes are necessary for the continued preservation of the resource and therefore the prevention of adverse economic impacts.

- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.
- (c) Cost Impacts on a Representative Private Person or Business:
The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.
- (h) Effect on Housing Costs: None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code sections 11342.580 and 11346.2(a)(1).

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has

otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

TITLE 14. FISH AND GAME COMMISSION

Notice of Proposed Changes in Regulations

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by Sections 200, 202, 203, 203.1, 331, 332, 1050, 1572, 3452, 3453, 4005, 4009.5, 4751, 4902 and 10502 of the Fish and Game Code and to implement, interpret or make specific sections 200, 202, 203, 203.1, 207, 331, 332, 460, 713, 1050, 1570–1572, 1801, 3452, 3453, 3800, 3950, 3951, 4005, 4009.5, 4330–4333, 4336, 4751, 4756, 4800–4805, 4902, 10500 and 10502 of said Code, proposes to amend Sections 265, 360, 361, 362, 363, 364, 365, 366, 555, 708 and 713, Title 14, California Code of Regulations, relating to Mammal Hunting Regulations.

Pursuant to the provisions of sections 203 and 203.1 of the Fish and Game Code, the Fish and Game Commission will consider populations, habitat, food supplies, the welfare of individual animals, and other pertinent facts and testimony in adopting season, bag and possession limits, and areas of take, and prescribe the manner and means of taking as part of the 2010–2011 Mammal Hunting Regulations.

At the Fish and Game Commission's meeting on February 4, 2010, the Department of Fish and Game made the following recommendations for changes relative to game mammal regulations for the 2010–2011 seasons: proposes to amend sections 265, 360, 361, 362, 363, 364, 365, 366, 555, 708 and 713, Title 14, California Code of Regulations, to make tag quota changes, clarifications, and urgency changes for the 2010–2011 Mammal Hunting Regulations.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Amend Subsection 265, Re: Use of Dogs for Pursuit/Take of Mammals or for Dog Training

Existing regulations provide boundaries for dog control zones where dogs are not allowed to be used for the pursuit/take of mammals or for dog training from the first Saturday in April through the day preceding the opening of the general deer season. The proposed change modifies the boundaries for the dog control zones to better align the boundaries with roads and to provide additional areas for dogs to be exercised and trained.

Existing regulations specify collars worn by dogs during the pursuit or take of mammals shall not have tip switches or global positioning systems (GPS). The proposed change eliminates this unnecessary prohibition.

**Amend Subsection 360(a), Re: Deer:
A, B, C, and D Zone Hunts**

Existing regulations provide for the number of license tags available for the A, B, C, and D Zones. This

regulatory proposal changes the number of tags for all existing zones to a series of ranges presented in the following table. These ranges are necessary, as the final number of tags cannot be determined until spring herd data are collected in March/April. Because severe winter conditions can have an adverse effect on herd recruitment and overwinter adult survival, final tag quotas may fall below the proposed range.

Deer: § 360(a) A, B, C, and D Zone Hunts — Tag Allocations		
Zone	Current	Proposed
A	65,000	30,000–65,000
B	55,500	35,000–65,000
C	8,150	5,000–15,000
D3–5	33,000	30,000–40,000
D–6	10,000	6,000–16,000
D–7	9,000	4,000–10,000
D–8	8,000	5,000–10,000
D–9	2,000	1,000–2,500
D–10	700	400–800
D–11	5,500	2,500–6,000
D–12	950	100–1,500
D–13	4,000	2,000–5,000
D–14	3,000	2,000–3,500
D–15	1,500	500–2,000
D–16	3,000	1,000–3,500
D–17	500	100–800
D–19	1,500	500–2,000

**Amend Subsection 360(b), Re: Deer:
X–Zone Hunts**

Existing regulations provide for the number of hunting tags for the X zones. The proposal changes the number of tags for all existing zones to a series of ranges pre-

sented in the following table. These ranges are necessary, as the final number of tags cannot be determined until spring herd data are collected in March/April. Because severe winter conditions can have an adverse effect on herd recruitment and overwinter adult survival, final tag quotas may fall below the proposed range.

Deer: § 360(b) X-Zone Hunts — Tag Allocations		
Zone	Current	Proposed
X-1	2,370	1,000–6,000
X-2	185	50–500
X-3a	240	100–1,200
X-3b	825	200–3,000
X-4	375	100–1,200
X-5a	60	25–200
X-5b	110	50–500
X-6a	325	100–1,200
X-6b	370	100–1,200
X-7a	200	50–500
X-7b	120	25–200
X-8	220	100–750
X-9a	650	100–1,200
X-9b	325	100–600
X-9c	325	100–600
X-10	400	100–600
X-12	760	100–1,200

**Amend Subsection 360(c) Re: Deer:
Additional Hunts**

Existing regulations provide for the number of hunting tags in the Additional Hunts. The proposal changes the number of tags for all existing hunts to a series of ranges as indicated in the table below. The proposal provides a range of tag numbers for each hunt from which a final number will be determined, based on the post-winter status of each deer herd. These ranges are necessary, as the final number of tags cannot be determined until spring herd data are collected in March/April.

Existing regulations for Additional Hunts G-8 (Fort Hunter Liggett Antlerless Deer Hunt) and J-10 (Fort Hunter Liggett Apprentice Either-Sex Deer Hunt) provide for hunting to begin on October 3 and continue for two (2) consecutive days and reopen on October 10 and continue for three (3) consecutive days in order to ac-

commodate for Base operations and other hunt opportunities. The proposal would modify the season to account for the annual calendar shift by changing the season opening dates to October 2 and October 9, respectively, in order to accommodate for Base operations.

Existing regulations for Additional Hunt G-11 (Vandenberg Either-Sex Deer Hunt) restrict the issuance of tags to military and Department of Defense personnel only. Under Federal Law certain individuals of Native American descent have rights to access portions of the base. The base has requested a modification to this restriction in order to comply with Federal Law. The proposal would modify the conditions for tag issuance to include individuals authorized by the Installation Commander. This action would provide the Installation Commander with the flexibility to authorize eligible Native Americans to hunt on the Base.

Deer: § 360(c) Additional Hunts — Tag Allocations		
Hunt Number (and Title)	Current	Proposed
G-1 (Late Season Buck Hunt for Zone C-4)	2,710	500-5,000
G-3 (Goodale Buck Hunt)	35	5-50
G-6 (Kern River Deer Herd Buck Hunt)	50	25-100
G-7 (Beale Either-Sex Deer Hunt)	20 Military *	20 Military *
G-8 (Fort Hunter Liggett Antlerless Deer Hunt)	10 Military *and 10 Public	10 Military * and 10 Public
G-9 (Camp Roberts Antlerless Deer Hunt)	15 Military *and 15 Public	15 Military * and 15 Public
G-10 (Camp Pendleton Either-Sex Deer Hunt)	400 Military *	400 Military *
G-11 (Vandenberg Either-Sex Deer Hunt)	500 Military *and DOD **	500 Military *, DOD and as Authorized by the Installation Commander**
G-12 (Gray Lodge Shotgun Either-Sex Deer Hunt)	30	10-50
G-13 (San Diego Antlerless Deer Hunt)	300	50-300
G-19 (Sutter-Yuba Wildlife Areas Either-Sex Deer Hunt)	25	10-50
G-21 (Ventana Wilderness Buck Hunt)	25	25-100
G-37 (Anderson Flat Buck Hunt)	25	25-50
G-38 (X-10 Late Season Buck Hunt)	300	50-300
G-39 (Round Valley Late Season Buck Hunt)	5	5-150
M-3 (Doyle Muzzleloading Rifle Buck Hunt)	20	10-75
M-4 (Horse Lake Muzzleloading Rifle Buck Hunt)	10	5-50
M-5 (East Lassen Muzzleloading Rifle Buck Hunt)	10	5-50
M-6 (San Diego Muzzleloading Rifle Either-Sex Deer Hunt)	80	25-100
M-7 (Ventura Muzzleloading Rifle Either-Sex Deer Hunt)	150	50-150
M-8 (Bass Hill Muzzleloading Rifle Buck Hunt)	20	5-50
M-9 (Devil's Garden Muzzleloading Rifle Buck Hunt)	15	5-100
M-11 (Northwestern California Muzzleloading Rifle Buck Hunt)	20	20-200
MA-1 (San Luis Obispo Muzzleloading Rifle/Archery Either-Sex Deer Hunt)	150	20-150
MA-3 (Santa Barbara Muzzleloading Rifle/Archery Buck Hunt)	150	20-150
J-1 (Lake Sonoma Apprentice Either-Sex Deer Hunt)	25	10-25
J-3 (Tehama Wildlife Area Apprentice Buck Hunt)	15	15-30
J-4 (Shasta-Trinity Apprentice Buck Hunt)	15	15-50
J-7 (Carson River Apprentice Either-Sex Deer Hunt)	15	10-50
J-8 (Daugherty Hill Wildlife Area Apprentice Either-Sex Deer Hunt)	15	10-20

Deer: § 360(c) Additional Hunts — Tag Allocations		
Hunt Number (and Title)	Current	Proposed
J-9 (Little Dry Creek Apprentice Shotgun Either-Sex Deer Hunt)	5	5-10
J-10 (Fort Hunter Liggett Apprentice Either-Sex Deer Hunt)	10 Military* and 75 Public	10 Military* and 75 Public
J-11 (San Bernardino Apprentice Either-Sex Deer Hunt)	40	10-50
J-12 (Round Valley Apprentice Buck Hunt)	10	10-20
J-13 (Los Angeles Apprentice Either-Sex Deer Hunt)	40	25-100
J-14 (Riverside Apprentice Either-Sex Deer Hunt)	30	15-75
J-15 (Anderson Flat Apprentice Buck Hunt)	10	5-30
J-16 (Bucks Mountain-Nevada City Apprentice Either-Sex Deer Hunt)	75	10-75
J-17 (Blue Canyon Apprentice Either-Sex Deer Hunt)	25	5-25
J-18 (Pacific-Grizzly Flat Apprentice Either-Sex Deer Hunt)	75	10-75
J-19 (Zone X-7a Apprentice Either-Sex Deer Hunt)	25	10-40
J-20 (Zone X-7b Apprentice Either-Sex Deer Hunt)	20	5-20
J-21 (East Tehama Apprentice Either-Sex Deer Hunt)	50	20-80

**Specific numbers of tags are provided for military hunts through a system which restricts hunter access to desired levels and ensures biologically conservative hunting programs.*

***DOD = Department of Defense and eligible personnel as authorized by the Installation Commander.*

Amend Section 361 Re: Archery Deer Hunting

Existing regulations provide for the number of hunting tags for existing area-specific archery hunts. The proposal changes the number of tags for existing hunts to a series of ranges presented in the table below. These ranges are necessary, as the final number of tags cannot be determined until spring herd data are collected in March/April. Because severe winter conditions can have an adverse effect on herd recruitment and over-winter adult survival, final tag quotas may fall below the proposed range.

Existing regulations for Archery Hunt A-33 (Fort Hunter Liggett Late Season Archery Either-Sex Deer Hunt) provide for hunting on Saturdays, Sundays and holidays only beginning the first Saturday in October and continuing through November 8, except if rescheduled by the Base Commander between the season opener and December 31 with Department concurrence. The proposal would modify the season to account for the annual calendar shift by changing the season closing date to November 7.

Archery Deer Hunting: § 361 — Tag Allocations		
Hunt Number (and Title)	Current	Proposed
A-1 (C Zones Archery Only Hunt)	1,945	150-3,000
A-3 (Zone X-1 Archery Hunt)	270	50-1,000
A-4 (Zone X-2 Archery Hunt)	10	5-100
A-5 (Zone X-3a Archery Hunt)	25	10-300
A-6 (Zone X-3b Archery Hunt)	80	25-400
A-7 (Zone X-4 Archery Hunt)	140	25-400
A-8 (Zone X-5a Archery Hunt)	20	15-100
A-9 (Zone X-5b Archery Hunt)	5	5-100
A-11 (Zone X-6a Archery Hunt)	55	10-200
A-12 (Zone X-6b Archery Hunt)	140	10-300
A-13 (Zone X-7a Archery Hunt)	50	10-200
A-14 (Zone X-7b Archery Hunt)	25	5-100
A-15 (Zone X-8 Archery Hunt)	40	5-100
A-16 (Zone X-9a Archery Hunt)	140	50-500
A-17 (Zone X-9b Archery Hunt)	300	50-500
A-18 (Zone X-9c Archery Hunt)	350	50-500
A-19 (Zone X-10 Archery Hunt)	120	25-200
A-20 (Zone X-12 Archery Hunt)	170	50-500
A-21 (Anderson Flat Archery Buck Hunt)	25	25-100
A-22 (San Diego Archery Either-Sex Deer Hunt)	1,000	200-1,500
A-24 (Monterey Archery Either-Sex Deer Hunt)	100	25-200
A-25 (Lake Sonoma Archery Either-Sex Deer Hunt)	35	20-75
A-26 (Bass Hill Archery Buck Hunt)	30	10-100
A-27 (Devil's Garden Archery Buck Hunt)	10	5-75
A-30 (Covelo Archery Buck Hunt)	40	20-100
A-31 (Los Angeles Archery Either-Sex Deer Hunt)	1,000	200-1,500
A-32 (Ventura/Los Angeles Archery Late Season Either-Sex Deer Hunt)	250	50-300
A-33 (Fort Hunter Liggett Late Season Archery Either-Sex Deer Hunt)	25 Military* and 25 Public	25 Military* and 25 Public

* Specific numbers of tags are provided for military hunts through a system which restricts hunter access to desired levels and ensures biologically conservative hunting programs.

Amend Subsection 362, Re: Nelson Bighorn Sheep

Existing regulations provide for the number of bighorn sheep hunting tags for each hunt zone. This proposed regulatory action would provide for tag allocations for most hunt zones pending final tag quota determinations based on survey results that should be com-

pleted by February of 2010. The final tag quotas will provide for adequate hunting opportunities while allowing for a biologically appropriate harvest of bighorn sheep. The following proposed number of tags was determined using the procedure described in Fish and Game Code Section 4902:

HUNT ZONE	NUMBER OF TAGS
Zone 1 – Marble Mountains	3–5
Zone 2 – Kelso Peak/Old Dad Mountains	4–6
Zone 3 – Clark/Kingston Mountain Ranges	1–3
Zone 4 – Orocopia Mountains	1–2
Zone 5 – San Geronio Wilderness	1–2
Zone 6 – Sheep Hole Mountains	1–3
Zone 7 – White Mountains	3–4
Open Zone Fund–Raising Tag	0–1
Marble/Clipper/Sheep Hole Mountains Fund–Raising Tag	0–1
Kelso Peak/Old Dad Mountains Fund–Raising Tag	0–1
TOTAL	14–28

The number of tags allocated for each of the seven hunt zones is based on the results of the Department’s 2009 estimate of the bighorn sheep population in each zone. Tags are proposed to allow the take of less than 15 percent of the mature rams estimated in each zone. The final number of tags will be identified and reported in the Final Statement of Reasons based upon findings from the annual winter surveys.

Amend Section 363 Re: Pronghorn Antelope

Existing regulations provide for the number of pronghorn antelope hunting tags for each hunt zone. This proposed regulatory action would provide for tag allocation ranges for most hunt zones pending final tag quota determinations based on winter survey results that should be completed by March of 2010. The final tag quotas will provide for adequate hunting opportunities while allowing for a biologically appropriate harvest of bucks and does in specific populations. The proposed tag allocation ranges for the hunt zones are as set forth below.

2010 Pronghorn Antelope Tag Allocation Ranges						
Hunt Area	Archery-Only Season		General Season			
			Period 1		Period 2	
	Buck	Doe	Buck	Doe	Buck	Doe
Zone 1 — Mount Dome	1–10	0–3	3–60	0–20	0	0
Zone 2 — Clear Lake	1–10	0–3	5–80	0–25	0	0
Zone 3 — Likely Tables	2–20	0–7	25–150	0–50	25–130	0–50
Zone 4 — Lassen	2–20	0–7	25–150	0–50	25–150	0–50
Zone 5 — Big Valley	1–15	0–5	3–150	0–50	0	0
Zone 6 — Surprise Valley	1–10	0	3–25	0–7	0	0
Likely Tables Apprentice Hunt	N/A		1–5 Either–Sex		0	
Big Valley Apprentice Hunt	N/A		1–15 Either–Sex		0	
Lassen Apprentice Hunt	N/A		1–15 Either–Sex		0	
Surprise Valley Apprentice Hunt	N/A		1–4 Either–Sex		0	
Fund–Raising Hunt	N/A		1–10 Buck			

Existing regulations do not offer an apprentice pronghorn hunt in the Likely Tables area. The proposed regulation would establish a new apprentice hunt for pronghorn during a season beginning the Saturday following the third Wednesday in August and continue for 9 consecutive days.

Amend Section 364 Re: Elk

Existing regulations specify elk license tag quotas for each hunt. In order to maintain hunting quality in accor-

dance with management goals and objectives, it is periodically necessary to adjust quotas in response to dynamic environmental and biological conditions. This proposed amendment modifies elk tag numbers to ranges of tags to adjust for fluctuations in population numbers.

Periodic quota changes are necessary to maintain hunting quality in accordance with management goals and objectives.

2010 Proposed Elk Tag Allocation										
Hunt Name	Antler-less	Either-Sex	Bull	Spike	Muzzle-loader Bull	Muzzle-loader Antler-less	Muzzle-loader either-sex	Archery Either-Sex	Archery Antler-less	Archery Bull
Roosevelt Elk										
Siskiyou	0-30		0-30							
Del Norte	0-20		0-15							
Marble Mountains	0-30		0-70							
Marble Mtns Apprentice		0-4								
Marble Mtns Muzzleloader/ Archery		0-10								
Klamath	0-20		0-20							
Big Lagoon	0-10		0-10							
Northwestern California		0-30								

2010 Proposed Elk Tag Allocation										
Hunt Name	Antler-less	Either-Sex	Bull	Spike	Muzzle-loader Bull	Muzzle-loader Antler-less	Muzzle-loader either-sex	Archery Either-Sex	Archery Antler-less	Archery Bull
Rocky Mountain Elk										
Northeastern	0-10		0-30					0-20		
Northeastern Apprentice		0-4								
Tule Elk										
Cache Creek	0-4		0-4							
Cache Creek Apprentice			0-2							
La Panza										
Period 1	0-10		0-12							
Period 1 (Apprentice)	0-2		0-2							
Period 2	0-12		0-12							
Owens Valley										
Multiple-Zone									0-10	0-10
Bishop										
Period 1 Muzzleloader					0-10	0-30				
Period 2 Apprentice	0-30		0-10							
Period 3	0-30		0-10							
Period 4	0-30		0-10							
Period 5	0-30		0-10							
Independence										
Period 1 Muzzleloader (New)					0-10	0-10				
Period 2	0-30		0-10							
Period 3	0-30		0-10							
Period 4	0-30		0-10							
Period 5	0-30		0-10							
Lone Pine										
Period 1 Archery (New)									0-30	0-10
Period 2	0-30		0-10							
Period 3	0-30		0-10							
Period 4	0-30		0-10							
Period 5	0-30		0-10							
Tinemaha										
Period 1 Archery									0-30	0-10
Period 2	0-30		0-10							
Period 3	0-30		0-10							
Period 4	0-30		0-10							
Period 5	0-30		0-10							
West Tinemaha										
Period 1	0-30		0-10							
Period 2	0-30		0-10							
Period 3	0-30		0-10							
Period 4	0-30		0-10							
Period 5	0-30		0-10							
Tinemaha Mountain (New)										
Period 1			0-8							
Period 2			0-8							
Period 3			0-8							
Period 4			0-8							
Period 5			0-8							
Whitney (New)										
Period 1 Archery									0-30	0-10
Period 2	0-10		0-4							
Period 3	0-10		0-4							
Period 4	0-10		0-4							
Period 5	0-10		0-4							
Grizzly Island										
Period 1	0-12		0-2	0-6						
Period 1 Apprentice	0-2			0-2						
Period 2	0-12		0-3	0-6						
Period 2 Apprentice				0-2						

2010 Proposed Elk Tag Allocation										
Hunt Name	Antler-less	Either-Sex	Bull	Spike	Muzzle-loader Bull	Muzzle-loader Antler-less	Muzzle-loader either-sex	Archery Either-Sex	Archery Antler-less	Archery Bull
Period 3	0-12		0-3	0-4						
Fort Hunter Liggett										
Archery Only								0-12	0-20	
Period 1	0-28									
Period 1 Apprentice	0-8									
Period 2	0-32									
Period 3			0-28							
Period 3 Apprentice			0-4							
Muzzleloader Bull (new)					0-12					
Early Season Bull (new)			0-4							
East Park Reservoir										
Period 1			0-4							
Period 3	0-8									
San Luis Reservoir	0-5	0-10	0-10							
Mendocino (New)	0-4		0-4							
Bear Valley (new)	0-2		0-4							
Lake Pillsbury (New)	0-4		0-4							
Alameda (New)			0-4							
Santa Clara (New)			0-4							

Existing regulations do not allow the appropriate allocation of tags to obtain the desired harvest between subgroups in the Lone Pine zone in the Owens Valley. The proposal will modify the hunt boundary and create an additional zone (Whitney tule elk hunt). Tags will be issued for the new Whitney zone period one archery (range 0–30 antlerless, 0–10 bull) and periods two, three, four, and, five general season methods (range 0–10 antlerless, 0–4 bull). The proposal will provide elk hunting opportunities consistent with the objectives for tule elk in the Owens Valley.

Existing regulations do not allow the appropriate allocation of tags to obtain the desired harvest between subgroups in the West Tinemaha zone in the Owens Valley. The proposal will modify the hunt boundary and create an additional zone (Tinemaha Mountain tule elk hunt). Tags will be issued for the new Tinemaha zone utilizing existing hunt periods one through five in the Owens Valley (range 0–8 bull). The proposal will provide elk hunting opportunities consistent with the objectives for tule elk in the Owens Valley.

Existing regulations do not provide for public tule elk hunting in Mendocino County. The proposal will establish a new tule elk hunt in a portion of Mendocino County (called Mendocino tule elk hunt) with bull tags (range 0–4) and antlerless tags (range 0–4) during a season beginning on the Wednesday preceding the fourth Saturday in September and continue for 12 consecutive days. The proposal will provide additional elk hunting opportunities, consistent with the statewide management objectives for tule elk.

Existing regulations provide limited opportunities for public tule elk hunting in Lake County. The proposal will establish a new tule elk hunt in a portion of Lake

County (called Lake Pillsbury tule elk hunt) with bull tags (range 0–4) and antlerless tags (range 0–4) during a season beginning on the second Wednesday in September and continue for 10 consecutive days. The proposal will provide additional elk hunting opportunities, consistent with the statewide management objectives for tule elk.

Existing regulations provide none or limited opportunities for public tule elk hunting in portions of Colusa, Lake, and Yolo Counties. The proposal will establish a new tule elk hunt in portions of Colusa, Lake, and Yolo Counties (called Bear Valley tule elk hunt) with bull tags (range 0–) and antlerless tags (range 0–2) during a season beginning on the second Saturday in October and continue for 9 consecutive days. The proposal will provide additional elk hunting opportunities, consistent with the statewide management objectives for tule elk.

Existing regulations do not provide for public tule elk hunting in portions of Alameda and San Joaquin Counties. The proposal will establish a new tule elk hunt in portions of Alameda and San Joaquin Counties (called Alameda tule elk hunt) with bull tags (range 0–4) during a season beginning on the second Saturday in October and continue for 16 consecutive days. The proposal will provide additional elk hunting opportunities, consistent with the statewide management objectives for tule elk.

Existing regulations provide none or limited opportunities for public tule elk hunting in portions of Merced, Santa Clara, and Stanislaus Counties. The proposal will establish a new tule elk hunt in portions of Merced, Santa Clara, and Stanislaus Counties (called Santa Clara tule elk hunt) with bull tags (range 0–4) during a season beginning on the second Saturday in October and con-

tinue for 16 consecutive days. The proposal will provide additional elk hunting opportunities, consistent with the statewide management objectives for tule elk.

Existing regulations establish season dates for the Fort Hunter Liggett tule elk hunts. The proposed regulations for Fort Hunter Liggett increase the number of hunt days for each hunt. The proposal modifies the following: extends the season dates for the archery either-sex from five days to nine days beginning on the first Saturday in September; modifies the archery antlerless from the second Thursday in October to the fourth Saturday in September and extends it from five to nine consecutive days; modifies the period one antlerless (general and apprentice) from the second Thursday in October to the third Saturday in October and extends it from five to nine consecutive days; modifies the period two antlerless from the fourth Wednesday in November to the third Saturday in November and extends it from five to nine consecutive days; modifies the period three bull (general and apprentice) from the last Wednesday in December to the fourth Wednesday in December and extends it from five to 12 consecutive days in order to increase hunter opportunity accommodate military operations.

Existing regulations end the fund raising tag in the Northwestern Roosevelt elk zone prior to the close of the general season. The proposed regulation modifies the ending date of the fund raising tag to end on the same day as the general hunt. Season shall open on the last Wednesday in August and continue for 19 consecutive days.

Existing regulations end the fund raising tag in the Northeastern Rocky Mountain elk zone prior to the close of the general season. The proposed regulation modifies the ending date of the fund raising tag to end on the same day as the general hunt. Season shall open on the Wednesday preceding the last Saturday in August and continue for 33 consecutive days.

Existing regulations specify boundaries for the Marble Mountain Roosevelt elk hunt and Northeastern Rocky Mountain elk hunt. The proposed change expands the Marble Mountain and Northeast zone south to encompass additional area occupied by elk and is consistent with the natural range expansion of elk which has occurred since these hunts were established. The proposal is necessary to improve hunter opportunity and is consistent with management objectives for elk in these areas.

Existing regulations specify the boundary for the Big Lagoon Roosevelt elk hunt. The proposed change modifies the boundary from a power line right of way to a road in order to better distinguish the boundary between zones.

Existing regulations specify boundaries for the West Tinemaha tule elk zone. The proposal modifies the

boundary by dividing the zone into two separate zones. This will create a new zone called Tinemaha Mountain. This will allow more precise allocation of tags to allow appropriate harvest between subgroups.

Existing regulations specify boundaries for the Lone Pine tule elk zone. The proposal modifies the boundary by dividing the zone along highway 395 into two separate zones. This will create a new zone called Whitney. This will allow more precise allocation of tags to allow appropriate harvest between subgroups.

Existing regulations specify hunts for the Marble Mountain elk hunts. The proposed change adds an additional combination archery and muzzleloader hunt after the existing hunt period. Either-sex tags (range 0–10) would be issued during a season beginning the last Saturday in October and continuing for nine consecutive days. The proposal is necessary to improve hunter opportunity and is consistent with management objectives for elk in the area.

Existing regulations do not offer muzzleloader hunts at Fort Hunter Liggett. The proposed regulation would establish a muzzleloader bull hunt (range 0–6) during a season beginning the first Saturday in November and continuing for nine consecutive days.

Existing regulations do not offer an early season general method bull hunt at Fort Hunter Liggett. The proposed regulation would establish a new hunt for bull tule elk (range 0–2) for military use during a season beginning on the second Tuesday in September and continuing for nine consecutive days.

Existing regulations allow the Owens Valley early season region wide archery tags to be utilized in all the Owens Valley zones (Bishop, Independence, Lone Pine, Tinemaha, and West Tinemaha). The proposed regulation would limit the zones the tags are valid in to the Bishop, Independence, Lone Pine, Tinemaha Mountain (new), and Whitney (new) zones and change the name of hunt to the Owens Valley early season multiple zone archery hunt.

Existing regulations specify methods of take for each hunt period in the Owens Valley. In an effort to increase hunter success the proposed regulation modifies the period one hunt in the Independence zone from archery to muzzleloader and the Lone Pine zone period one hunt from muzzleloader to archery.

Existing regulations authorize tags that are valid in both the Tinemaha and West Tinemaha zones. In an effort to manage harvest between these groups of elk the proposed regulation would issue tags independently for each zone.

Existing regulations for the Siskiyou Roosevelt elk hunt authorizes either-sex and antlerless tags. In an effort to better manage harvest the proposal would convert the either-sex tags to bull tags.

Existing regulations for the Marble Mountain, North-eastern, and Big Lagoon elk hunts authorizes either–sex general tags. In an effort to better manage harvest and allow more opportunity to hunters the proposal would convert general either–sex tags to bull and antlerless tags.

Amend Subsection 365 Re: Bear

Existing subsection 365(a), Title 14, California Code of Regulations, provides a description of the bear hunting area for California. The proposed regulation change provides additional hunting opportunity by enlarging the Northern California bear hunting area to include deer hunting zone X–3b in Modoc and Lassen counties, enlarging the Southern California bear hunting area to include portions of San Luis Obispo County, and the Southeastern Sierra bear hunting area by including an additional portion of Inyo County to make the boundary more enforceable.

Existing subsection 365(b), Title 14, California Code of Regulations, requires the bear season to close early when the Department receives notification that 1,700 bears have been taken. In addition, the Department is required to send a letter to each bear hunter when this early closure occurs. The proposed change eliminates the early closure of the bear hunting season, because it is unnecessary and insignificant to the bear population, and the cost of notifying all hunters by mail is an unnecessary expense.

In addition, there is a minor edit to clarify the regulations by specifying that the limit for bear hunting is one bear per hunting license year rather than one bear per season.

Amend Subsection 366 Re: Archery Bear Hunting

Existing Section 366, Title 14, California Code of Regulations, provides a statewide archery bear hunting season beginning the third Saturday in August for 23 consecutive days. The proposed change would begin the archery bear seasons with the archery deer seasons. This would eliminate a problem in deer hunting zone A, where the general bear hunting season opens before the archery bear hunting season.

Current regulations specify that one bear may be taken per season. This is confusing for individuals who hunt both the general and archery seasons, because only

one bear may be taken per year. The proposed change clarifies that one bear may be taken per license year.

Currently, subsection 366(f) specifies that “no more than 15,000 bear tags shall be issued pursuant to section 367.” This subsection refers to old regulatory language which no longer exists. The proposed change deletes this subsection.

**Amend Section 555 Re: Cooperative
Elk Hunting Areas**

Existing regulations specify that the Department will issue tags by random drawing from the pool of qualified applicants. In recent years for many of the cooperative elk hunts the number of applicants has exceeded the number of available tags. In an attempt to issue tags in an equitable manner the proposed amendment implements one year of non–eligibility for previously successful applicants for cooperative elk hunts with more applicants than tags.

**Amend Subsection 360(d), Section 702 &
Subsections 708(a)(2)(A) and(D), 708(b)(1),
708(c)(3), 708(d)(1), 708(g)(1)(K); and
Add Subsections 708(g)(1)(L) and 708(h)
Re: Hunting Applications, Tags, Seals,
Permits, Reservations and Fees; and Big Game
License Tag, Application, Distribution and
Reporting Procedures**

Adjust the hunting fees in regulation as allowed under Fish and Game Code. Existing regulations provide for the issuance of deer tags based on when the tag quota for the hunt or zone filled during the previous license year. This regulatory proposal would repeal the exceptions for C, D12 and D17 deer tags. This proposal would specify requirements for hunters who appeal for preference points.

Option 1 would allow any hunter who was awarded an elk, antelope or big horn sheep tag in the big game drawing to return the tag under specific conditions. Option 2 would allow any hunter who was awarded an elk, antelope or big horn sheep tag in the big game drawing to return the tag to the Department for any reason upon payment of a nonrefundable processing fee.

Additionally, this proposed regulatory action would allow the Department to conduct a random drawing for fund–raising big game license tags.

2005–2009 Summary of C, D12, and D17 Tag Quotas					
Tag	Year	Tag Quota	Date Tag Quota Filled	Comments	Date of Drawing
C	2005	9,025	7/6/2005	Tag quota filled after the drawing	6/17/2005
	2006	9,025	6/27/2006	Tag quota filled after the drawing	6/17/2006
	2007	8,575	6/20/2007	Tag quota filled in third round of the drawing. 1,005 hunters drawn out of 3,390 3rd choice applicants	6/20/2007
	2008	8,575	6/18/2008	Tag quota filled in second round of the drawing. 3,504 hunters drawn out of 6,754 2nd choice applicants	6/18/2008
	2009	8,150	6/16/2009	Tag quota filled in second round of the drawing. 2,126 hunters drawn out of 6,052 2nd choice applicants.	6/16/2009
D12	2005	950	7/19/2005	Tag quota filled after the drawing	6/17/2005
	2006	950	7/10/2006	Tag quota filled after the drawing	6/17/2006
	2007	950	6/20/2007	Tag quota filled in third round of the drawing. 24 hunters drawn out of 77 3rd choice applicants	6/20/2007
	2008	950	6/12/2008	Tag quota filled prior to the drawing	6/18/2008
	2009	950	6/2/2009	Tag quota filled prior to the drawing	6/16/2009
D17	2005	500	6/17/2005	Tag quota filled in third round of the drawing. 36 hunters drawn out of 119 3rd choice applicants	6/17/2005
	2006	500	6/17/2006	Tag quota filled in second round of the drawing. 142 hunters drawn out of 184 2nd choice applicants	6/17/2006
	2007	500	6/8/2007	Tag quota filled prior to the drawing	6/20/2007
	2008	500	5/20/2008	Tag quota filled prior to the drawing	6/18/2008
	2009	500	5/15/2009	Tag quota filled prior to the drawing	6/16/2009

Add Section 713 Re: Condemned Big–Game Carcasses

Existing regulations require big–game hunters to make all reasonable efforts to retrieve big–game animals and tag them immediately with the appropriate tag. Current regulations do not allow the Department to issue a duplicate tag if a harvested animal was sick, injured, or chemically immobilized rendering the carcass

inedible or unfit for human consumption; once the animal is killed current regulations require the hunter to lawfully tag the animal and count as their bag limit for the hunt. This proposal establishes a regulatory procedure whereby a hunter in this situation can be issued a duplicate tag for the remainder of the season; be issued a tag for the subsequent season; have an additional point added to their original point total for that species to

compete in the following big-game drawing; or request a refund and have their point total restored to the original amount.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Double Tree Hotel — Ontario Airport, Ontario, California, on Wednesday, March 3, 2010, at 8:30 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in The La Grande Room, Beach Resort Monterey, 2600 Sand Dunes Dr., Monterey, California, on Thursday, April 8, 2010, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before April 6, 2010 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@fgc.ca.gov. All comments must be received no later than April 8, 2010, at the meeting in Monterey. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in strikeout—underline format and modifications indicated in double strikeout/underline, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, John Carlson, Jr., Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to John Carlson, Jr., or Jon Snellstrom at the preceding address or phone number. **Craig Stowers, Wildlife Programs Branch, Department of Fish and Game, phone (916) 445-3553, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Draft environmental documents, associated with the proposed regulatory actions for Bear and Elk Hunting, were made available for comment commencing January 27, 2010. Oral or written comments relevant to these documents will be received at the March 3, 2010, meeting in Ontario. Written comments on these documents may be submitted to the Commission office (address given herein) until 5:00 p.m., March 13, 2010. Draft environmental documents are available for review at the Commission office and at the Department of

Fish and Game's, Wildlife Programs Branch office in Sacramento. Copies of the documents are also available for review at the Department offices in Redding, Rancho Cordova, Yountville, Fresno, Long Beach, Bishop, Eureka, Belmont, Monterey, Chino and San Diego. **NO WRITTEN COMMENTS ON DRAFT ENVIRONMENTAL DOCUMENTS WILL BE ACCEPTED AFTER 5:00 P.M. ON MARCH 13, 2010.**

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

Impact of Regulatory Action

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed actions will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Section 265

The proposed action eliminates undue restrictions on outdoor recreation by modifying dog control zone boundaries and removing restrictions pertaining to the use of tip switches and GPS technology on dog collars. Given the number of individuals who use or train dogs for hunting purposes will remain relatively static in California, this proposal is economically neutral to business.

Subsection 360(a)

The proposed action adjusts tag quotas for existing hunts. Given the number of tags available and the area over which they are distributed, these proposals are economically neutral to business.

Subsection 360(b)

The proposed action adjusts tag quotas for existing hunts. Given the number of tags available and the

area over which they are distributed, these proposals are economically neutral to business.

Subsection 360(c)

The proposed action would modify season dates for two hunts, modify tag restrictions for one military hunt and adjust tag quotas for existing hunts. Given the number of tags available and the area over which they are distributed, these proposals are economically neutral to business.

Section 361

The proposed action adjusts tag quotas for existing hunts and modifies the season closing date for one hunt. Given the number of tags available and the area over which they are distributed, these proposals are economically neutral to business.

Section 362

The proposed action adjusts tag quotas for existing hunts. Given the number of tags available and the area over which they are distributed, these proposals are economically neutral to business.

Section 363

Considering the small number of tags issued over the entire state, this proposal is economically neutral to business.

Section 364

Considering the small number of tags issued over the entire state, this proposal is economically neutral to business.

Section 365

The proposed action adjusts tag quotas for existing hunts. Given the number of tags available and the area over which they are distributed, these proposals are economically neutral to business.

Section 366

The proposed action adjusts tag quotas for existing hunts. Given the number of tags available and the area over which they are distributed, these proposals are economically neutral to business.

Section 555

Considering the small number of tags issued over the entire state, this proposal is economically neutral to business.

Sections 702 and 708, and subsection 360(d)

The proposed action adjusts the issuance of deer tags. These proposals are economically neutral to business.

Section 713

The proposed action adjusts tag quotas for existing hunts. Given the number of tags available and the area over which they are distributed, these proposals are economically neutral to business.

For all Sections

(b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California:

None.

(c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

None.

(e) Nondiscretionary Costs/Savings to Local Agencies: None.

(f) Programs Mandated on Local Agencies or School Districts:

None.

(g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code:

None.

(h) Effect on Housing Costs:

None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code sections 11342.580 and 11346.2(a)(1).

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be effective as and less burdensome to affected private persons than the proposed action.

**TITLE 15. DEPARTMENT OF
CORRECTIONS AND REHABILITATION**

NOTICE OF PROPOSED REGULATIONS

NOTICE IS HEREBY GIVEN that the Secretary of the California Department of Corrections and Rehabilitation (CDCR), pursuant to the authority granted by Government Code Section 12838.5 and Penal Code (PC) Section 5055, and the rulemaking authority granted by PC Section 5058 and 5058.3, in order to implement, interpret and make specific PC Section 5054,

proposes to adopt Sections 3000, 3075.2, 3075.3, 3502, 3504, and 3505 in the California Code of Regulations (CCR), Title 15 concerning Non-Revocable Parole.

PUBLIC HEARING:

Date and

Time: April 13, 2010 — 9:00 a.m. to 10:00 a.m.

Place: Department of Corrections and
Rehabilitation
Office of Training & Professional
Development
10000 Goethe Road, Timber Peak/
Mt. Whitney Room
Sacramento, CA 95827

Purpose: To receive comments about this action.

PUBLIC COMMENT PERIOD

The public comment period will close April 13, 2010, at 5:00 p.m. Any person may submit public comments in writing (by mail, by fax, or by e-mail) regarding the proposed changes. To be considered by the Department, comments must be submitted to the CDCR, Regulation and Policy Management Branch, P.O. Box 942883, Sacramento, CA 94283-0001; by fax at (916) 255-5601; or by e-mail at RPMB@cdcr.ca.gov before the close of the comment period.

CONTACT PERSON

Please direct any inquiries regarding this action to:

**Timothy M. Lockwood, Chief
Regulation and Policy Management Branch
Department of Corrections and Rehabilitation
P.O. Box 942883, Sacramento, CA 94283-0001
Telephone (916) 255-5500**

In the event the contact person is unavailable, inquiries should be directed to the following back-up person:

**Tim Quackenbush
Regulation and Policy Management Branch
Telephone (916) 255-5500**

Questions regarding the substance of the proposed regulatory action should be directed to:

**David Babby
Division of Adult Parole Operations
Telephone (916) 324-3585**

LOCAL MANDATES

This action imposes no mandates on local agencies or school districts, or a mandate which requires reim-

bursement of costs or savings pursuant to Government Code Sections 17500-17630.

FISCAL IMPACT STATEMENT

- Cost or savings to any state agency: *None*
- Other nondiscretionary cost or savings imposed on local agencies: *None*
- Cost or savings in federal funding to the state: *None*

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will have no significant effect on housing costs.

**COST IMPACTS ON REPRESENTATIVE
PRIVATE PERSONS OR BUSINESSES**

The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

**SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT ON BUSINESS**

The Department has initially determined that the proposed regulations will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

EFFECT ON SMALL BUSINESSES

The Department has determined that the proposed regulations may not affect small businesses. It is determined that this action has no significant adverse economic impact on small business because they are not affected by the internal management of state prisons.

**ASSESSMENTS OF EFFECTS ON JOB
AND/OR BUSINESS CREATION, ELIMINATION
OR EXPANSION**

The Department has determined that the proposed regulation will have no effect on the creation of new, or the elimination of existing jobs or businesses within California, or affect the expansion of businesses currently doing business in California.

CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative considered by the Department, or that has

otherwise been identified and brought to the attention of the Department, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons, than the proposed regulatory action. Interested persons are accordingly invited to present statements or arguments with respect to any alternatives to the changes proposed at the scheduled hearing or during the written comment period.

AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS

The Department has prepared, and will make available, the text and the Initial Statement of Reasons (ISOR) of the proposed regulations. The rulemaking file for this regulatory action, which contains those items and all information on which the proposal is based (i.e., rulemaking file) is available to the public upon request directed to the Department's contact person. The proposed text, ISOR, and Notice of Proposed Action will also be made available on the Department's website <http://www.cdcr.ca.gov>.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons may be obtained from the Department's contact person.

AVAILABILITY OF CHANGES TO PROPOSED TEXT

After considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this Notice. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Requests for copies of any modified regulation text should be directed to the contact person indicated in this Notice. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Penal Code (PC) Section 5000 provides that commencing July 1, 2005, any reference to the Department

of Corrections in this or any code, refers to the CDCR, Division of Adult Operations.

PC Section 5050 provides that commencing July 1, 2005, any reference to the Director of Corrections, in this or any other code, refers to the Secretary of the CDCR. As of that date, the office of the Director of Corrections is abolished.

PC Section 5054 provides that commencing July 1, 2005, the supervision, management, and control of the state prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein are vested in the Secretary of the CDCR.

PC Section 5058.3 authorizes the Director to adopt, amend, or repeal emergency regulations conducted pursuant to GC Section 11340.

This action provides the following:

- Adopts into the CCR, Title 15, Division 3, new section 3505, and amends sections 3000, 3075.2, 3075.3, 3502 and 3504 that govern on a statewide basis, the establishment and placement of offenders on Non-Revocable Parole.
- Brings the Department into compliance with special reform legislation, specifically Section 48 of Senate Bill (SB) X3-18, which enacted in part, PC Section 3000.03. SB X3-18 became effective January 25, 2010. PC Section 3000.03 establishes the criteria for the granting of Non-Revocable Parole, and mandates that the Department shall not return to prison, place a parole hold on pursuant to Section 3056, or report any parole violation to the Board of Parole Hearings regarding any person to whom all of the criteria apply.
- Specifies the exclusionary criteria related to the granting of Non-Revocable Parole pursuant to PC Section 3000.03, and defines a "serious disciplinary offense" for the purposes of granting this form of parole.
- Defines Non-Revocable Parole as a form of unsupervised community release, and distinguishes this form of parole from supervised parole for the purposes of parole agent reporting requirements, release allowance, discharge requirements, and entitlement to parole programs and services.
- Requires the application of the Department's validated risk assessment process for the purpose of assessing the offender's risk to reoffend.
- Incorporates by reference into the regulations the CDCR Form 1515-A (01/10), Notification of Non-Revocable Parole Requirements, to document the offender's understanding of requirements for the granting of Non-Revocable Parole. A copy of the CDCR for 1515-A has been made available for public review.

TITLE 16. BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS

TITLE 16, CALIFORNIA CODE OF REGULATIONS, DIVISION 5

BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS

NOTICE IS HEREBY GIVEN that the Board for Professional Engineers and Land Surveyors is proposing to take the action described in the Informative Digest. Written comments must be received by the Board no later than 5:00 p.m. on April 5, 2010.

The Board does not intend to hold a hearing in this matter. If an interested party wishes that a hearing be held, he or she must make the request in writing to the Board no later than 5:00 p.m. on March 21, 2010. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 6716, 6717, 6751.5, and 8710 of the Business and Professions Code, and to implement, interpret, or make specific Sections 6730, 6751, 6751.2, 6751.5, 6752, 6753, 6753.5, 8726, 8741, and 8742 of said Code, the Board is considering changes to Division 5 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

An applicant for licensure as a professional engineer or a professional land surveyor must have six years of experience (either six years of work experience or a combination of work experience and education) in order to become licensed.

Under current statutes, an applicant for licensure may receive four years of experience credit for an undergraduate degree from a board-approved curriculum; an applicant with an undergraduate degree from a non-board-approved curriculum may receive two years of experience credit. In addition, an applicant may receive five years of experience credit for a post-graduate de-

gree in a school of engineering with a board-approved undergraduate or post-graduate curriculum.

Current regulations define the board-approved curricula and specify the number of years of experience for which an applicant will be given credit based on whether or not they have an undergraduate or post-graduate degree in a board-approved curriculum. This proposal would move the definitions from Section 460 to Section 404, which contains all of the other definitions of terms used in the statutes and regulations, and would move the experience credit equivalencies from Section 460 to Section 424, which addresses all of the experience credit, and would repeal Section 460. In addition, this proposal would update and clarify the definitions to use the current terminology used by ABET, which is the organization that accredits engineering and land surveying curricula. This proposal would also clarify the number of years of experience an applicant will be given credit for based on their education.

In addition, this proposed change would amend Section 438 to restore previously removed language. In 1995, Section 438 was amended to include a provision allowing for the waiver of the first division examination (the Engineer-in-Training [EIT] examination) for professional engineering applicants if the applicant is the holder of a Ph.D. from an accredited engineering program. The provision included a "sunset clause" that authorized this waiver to be in effect for only five years. This clause was included so that the Board could determine if there was sufficient interest to continue this waiver. At the end of the five-year period, it appeared that there was not sufficient interest in continuing it. Therefore, the waiver provision was allowed to end. Subsequently, the language was removed from the regulation.

Recently, the Board has received inquiries and correspondence from various individuals and professional associations indicating a renewed interest in such a waiver. Therefore, at its November 20, 2008, meeting, the Board decided to amend Section 438 to once again include a provision to allow for the waiver of the EIT examination if the applicant for the professional engineer license is the holder of a Ph.D. from a Board-approved [accredited] engineering program.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

None

Nondiscretionary Costs/Savings to Local Agencies:

None

Local Mandate:

None

Cost to Any Local Agency or School District for Which Government Code Sections 17500–17630 Requires Reimbursement:

None

Business Impact:

The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses:

The Board has determined that this regulatory proposal will not have an impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs:

None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations would not affect small businesses. The Board does not license businesses; the Board licenses individuals. This proposal would clarify the terminology used regarding experience credit given to applicants based on their education and provide a waiver of the first division examination to certain qualified individuals.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation, or that has otherwise been identified and brought to its attention, would either be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome, to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS
AND INFORMATION

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board at 2535 Capitol Oaks Drive, Suite 300, Sacramento, California 95833.

AVAILABILITY AND LOCATION OF
THE FINAL STATEMENT OF REASONS AND
RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons, once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed rule-making action may be addressed to:

Name: Larry Kereszt
Address: 2535 Capitol Oaks Drive,
Suite 300
Sacramento, CA 95833
Telephone No.: (916) 263–2240
Fax No.: (916) 263–2221
E-Mail Address: Larry_Kereszt@dca.ca.gov

The backup contact person is:

Name: Nancy Eissler
Address: 2535 Capitol Oaks Drive,
Suite 300
Sacramento, CA 95833
Telephone No.: (916) 263–2241
Fax No.: (916) 263–2221
E-Mail Address: Nancy_Eissler@dca.ca.gov

WEBSITE ACCESS

Materials regarding this proposal can be found at <http://www.pels.ca.gov>.

**TITLE 27. OFFICE OF
ENVIRONMENTAL HEALTH HAZARD
ASSESSMENT**

CALIFORNIA ENVIRONMENTAL PROTECTION
AGENCY OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT

NOTICE OF PROPOSED RULEMAKING

TITLE 27, CALIFORNIA CODE OF
REGULATIONS

AMENDMENT TO SECTION 25705
SPECIFIC REGULATORY LEVELS POSING NO
SIGNIFICANT RISK

NOTICE IS HEREBY GIVEN that the Office of Environmental Health Hazard Assessment (OEHHA) proposes to establish specific regulatory levels posing no significant risk for *p*-chloroaniline and *p*-chloroaniline hydrochloride, and amend Title 27, California Code of Regulations, Section 25705¹.

PUBLIC PROCEEDINGS

Any written statements or arguments regardless of the form or method of transmission must be received by OEHHA by 5:00 p.m. on **Monday, April 5, 2010**, the designated close of the written comment period.

Written comments regarding this proposed action can be sent by e-mail, mail or by fax addressed to:

Monet Vela
Office of Environmental Health Hazard Assessment
Proposition 65 Implementation Program
P.O. Box 4010
Sacramento, California 95812-4010
FAX: (916) 324-1786
Telephone: (916) 323-2517
mvela@oehha.ca.gov

Comments sent by courier should be delivered to:

Monet Vela
Office of Environmental Health Hazard Assessment
1001 I Street, 19th Floor
Sacramento, California 95814

It is requested but not required that written statements or arguments be submitted in triplicate.

A public hearing to present oral comments will be scheduled only if one is requested. The request must be submitted in writing no later than 15 days before the close of the comment period on April 5, 2010. The written request must be sent to OEHHA at the address listed below no later than **Friday, March 19, 2010**. A notice for the public hearing, if one is requested, will be mailed to interested parties who are on the Proposition 65 mailing list for regulatory public hearings. The notice will also be posted on the OEHHA web site at least ten days in advance of the public hearing date. The notice will

provide the date, time, location and subject matter to be heard.

If a hearing is scheduled and you have special accommodation or language needs, please contact Monet Vela at (916) 323-2517 or mvela@oehha.ca.gov at least one week in advance of the hearing. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

CONTACT

Please direct inquiries concerning the substance and processing of the action described in this notice to Monet Vela, in writing at the address given above, or by telephone at (916) 323-2517. Ms. Susan Luong is a back-up contact person for inquiries concerning processing of this action and is available at (916) 445-6900.

INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW

The Safe Drinking Water and Toxic Enforcement Act of 1986, codified at Health and Safety Code section 25249.5 et seq. and commonly known as Proposition 65 (hereinafter Proposition 65 or the Act), prohibits a person in the course of doing business from knowingly and intentionally exposing any individual to a chemical that has been listed as known to the State to cause cancer or reproductive toxicity, without first giving clear and reasonable warning to such individual (Health and Safety Code section 25249.6). The Act also prohibits a business from knowingly discharging a listed chemical into water or onto or into land where such chemical passes or probably will pass into any source of drinking water (Health and Safety Code section 25249.5).

For chemicals known to the state to cause cancer, an exemption from the warning requirement is provided by the Act when a person in the course of doing business is able to demonstrate that an exposure for which the person is responsible produces no significant risk or that a discharge which otherwise complies with all applicable requirements would not cause any significant amount of the discharged or released chemical to enter any source of drinking water (Health and Safety Code sections 25249.9 and 25249.10). A determination that a level of exposure poses no significant risk may be made utilizing regulations that have previously been adopted by OEHHA (sections 12701-12721). Section 12701 describes alternative methods for making such a determination. Section 12705 sets forth the process by which OEHHA may identify specific regulatory levels for determining "no significant risk" for purposes of Proposition 65.

Details on the basis for the proposed level are provided in the reference cited below, which is incorpo-

¹ All further regulatory references are to Title 27 of the California Code of Regulations unless otherwise indicated.

rated in the rulemaking record. The reference is a risk assessment document prepared by OEHHA describing and summarizing the derivation of the regulatory level listed below.

This amendment to section 12705(b) would adopt the following No Significant Risk Level (NSRL) for one chemical listed as known to cause cancer:

Chemical	NSRL, in units micrograms per day	Reference
<i>p</i> -chloroaniline	1.5	OEHHA (2010)
<i>p</i> -chloroaniline hydrochloride	1.9	OEHHA (2010)

The risk assessment which was used by the Office of Environmental Health Hazard Assessment to determine the stated level is as follows:

Office of Environmental Health Hazard Assessment (OEHHA, 2010). No Significant Risk Level (NSRL) for the Proposition 65 Carcinogens *p*-chloroaniline hydrochloride and *p*-chloroaniline. OEHHA, Reproductive and Cancer Hazard Assessment Branch, California Environmental Protection Agency, Oakland, February 2010.

AUTHORITY

Health and Safety Code Section 25249.12.

REFERENCE

Health and Safety Code Sections 25249.5, 25249.6, 25249.9, 25249.10 and 25249.11.

IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

OEHHA has determined the proposed regulatory action would not pose a mandate on local agencies or school districts nor does it require reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. OEHHA has also determined that no nondiscretionary costs or savings to local agencies or school districts will result from the proposed regulatory action.

COSTS OR SAVINGS TO STATE AGENCIES

OEHHA has determined that no savings or increased costs to any State agency will result from the proposed regulatory action.

EFFECT ON FEDERAL FUNDING TO THE STATE

OEHHA has determined that no costs or savings in federal funding to the State will result from the proposed regulatory action.

EFFECT ON HOUSING COSTS

OEHHA has determined that the proposed regulatory action will have no effect on housing costs.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS, INCLUDING ABILITY TO COMPETE

OEHHA has made an initial determination that the adoption of the regulation will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

IMPACT ON THE CREATION, ELIMINATION, OR EXPANSION OF JOBS/BUSINESSES

OEHHA has determined that the proposed regulatory action will not have any impact on the creation or elimination of jobs, the creation of new businesses or the elimination of existing businesses, or the expansion of businesses currently doing business within the State of California.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The OEHHA is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

EFFECT ON SMALL BUSINESSES

OEHHA has determined that the proposed regulation will not impose any requirements on small business. Rather, the proposed regulation will assist small businesses subject to the Act in determining whether or not an exposure for which they are responsible is subject to the warning requirement or discharge prohibition.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), OEHHA must determine that no reasonable alternative considered by OEHHA or that has otherwise been identified and brought to the attention of OEHHA would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

OEHHA has prepared and has available for public review an Initial Statement of Reasons for the regulation,

all the critical information upon which the regulation is based, and the text of the regulation. A copy of the Initial Statement of Reasons, a copy of the text of the regulation and a copy of the risk assessment which was used by OEHHA to determine the MADL are available upon request from OEHHA's Proposition 65 Implementation Program at the address and telephone number indicated above. These documents are also posted on OEHHA's Web site at www.oehha.ca.gov.

**AVAILABILITY OF CHANGED
OR MODIFIED TEXT**

The full text of any regulation which is changed or modified from the express terms of the proposed action will be made available at least 15 days prior to the date on which OEHHA adopts the resulting regulation. Notice of the comment period on changed regulations and the full text will be mailed to individuals who testified or submitted written comments at the public hearing, whose comments were received by OEHHA during the public comment period, and who request notification from OEHHA of availability of such changes. Copies of the notice and the changed regulation will also be available at the OEHHA's Web site at www.oehha.ca.gov.

FINAL STATEMENT OF REASONS

A copy of the Final Statement of Reasons may be obtained, when it becomes available, from OEHHA's Proposition 65 Implementation Program at the address and telephone number indicated above. The Final Statement of Reasons will also be available at the OEHHA's Web site at www.oehha.ca.gov.

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND GAME

**Department of Fish and Game —
Public Interest Notice**

For Publication February 19, 2010
CESA CONSISTENCY DETERMINATION
REQUEST FOR
PG&E Rio Oso to Lincoln 115 kV
Power Line Project
Sutter and Placer Counties
2080-2010-001-02

The Department of Fish and Game (Department) received a notice on Feb. 02, 2010, that the Pacific Gas and Electric Company (PG&E) proposes to rely on a consultation between federal agencies to carry out a project that may adversely affect species protected by

the California Endangered Species Act (CESA). The proposed project would consist of the installation of approximately 12 miles of 115 kV power line between the Rio Oso Substation in Sutter County and the Lincoln Substation in Placer County (Project).

Project activities will result in the incidental take of giant garter snake (*Thamnophis Gigas*) inhabiting the 0.142 acre that will be temporarily lost and the 0.035 acre that will be permanently lost due to construction activities associated with the proposed project. The U.S. Fish and Wildlife Service (Service) issued a "no jeopardy" federal biological opinion (81420-2009-F-1321-1)(BO) and incidental take statement (ITS) to the U.S. Army Corps of Engineers (Corps) on October 28, 2009, which considered the effects of the project on the Federally threatened and State threatened giant garter snake.

Pursuant to California Fish and Game Code Section 2080.1, PG&E is requesting a determination that the BO and ITS are consistent with CESA for purposes of the proposed Project. If the Department determines the BO and ITS are consistent with CESA for the proposed Project, PG&E will not be required to obtain an incidental take permit under Fish and Game Code section 2081 for the Project.

DECISION NOT TO PROCEED

**BOARD FOR PROFESSIONAL
ENGINEERS AND LAND SURVEYORS**

**NOTICE OF DECISION NOT TO PROCEED
WITH RULEMAKING ACTION**

The Board for Professional Engineers and Land Surveyors (BPELS) has decided not to proceed with rulemaking action described in the Notice published in the California Regulatory Notice Register on June 5, 2009, OAL File #Z-2009-0526-09, concerning Title 16, sections 404, 424, 425, and 460 of the California Code of Regulations, re: Approved Curricula.

/s/
David E. Brown
Executive Officer
BPELS

**BOARD FOR PROFESSIONAL
ENGINEERS AND LAND SURVEYORS**

**NOTICE OF DECISION NOT TO PROCEED
WITH RULEMAKING ACTION**

The Board for Professional Engineers and Land Surveyors (BPELS) has decided not to proceed with rule-

making action described in the Notice published in the California Regulatory Notice Register on June 5, 2009, OAL File #Z-2009-0526-11, concerning Title 16, section 438 of the California Code of Regulations, re: Waiver of Fundamentals Examination.

/s/
David E. Brown
Executive Officer
BPELS

**SUSPENSION OF
ACTION REGARDING
UNDERGROUND REGULATIONS**

DEPARTMENT OF SOCIAL SERVICES

**SUSPENSION OF ACTION REGARDING
UNDERGROUND REGULATIONS**

**(Pursuant to Title 1, section 280, of the
California Code of Regulations)**

On November 12, 2009, The Office of Administrative Law (OAL) received a petition challenging a provision of the Evaluator Manual as an alleged underground regulation. The provision deals with internet and non-internet video monitoring of childcare centers.

On February 3, 2010, Department of Social Services certified to the OAL that the section of the Evaluator Handbook had been rescinded; therefore, pursuant to Title 1, section 280 of the California Code of Regulations, OAL must suspend all action on this petition.

**SUMMARY OF REGULATORY
ACTIONS**

**REGULATIONS FILED WITH
SECRETARY OF STATE**

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

File# 2010-0105-03
AIR RESOURCES BOARD
Small Containers of Automotive Refrigerant

This is the resubmission of a portion of an action that establishes a mechanism for the Board's Executive Officer to adjust the amount of the deposit required by CCR, title 17, section 95366(a)(2) upon the sale of a small container of automotive refrigerant having a global warming potential value of more than 150.

Title 17
California Code of Regulations
AMEND: 95362, 95365, 95366, 95367, 95368
Filed 02/08/2010
Effective 03/10/2010
Agency Contact: Amy Whiting (916) 322-6533

File# 2010-0104-01
CALIFORNIA COMMISSION ON AGING
Conflict of Interest Code

This is a Conflict of Interest Code filing that has been approved by the Fair Political Practices Commission and is being submitted for filing with the Secretary of State and printing in the California Code of Regulations.

Title 2
California Code of Regulations
ADOPT: 59660
Filed 02/09/2010
Effective 03/11/2010
Agency Contact:
Sandra Fitzpatrick (916) 419-7591

File# 2009-1223-01
DEPARTMENT OF INSURANCE
Auto Body Repair Consumer Bill of Rights

This Section 100 Change Without Regulatory Effect repeals a bracketed phrase inside the regulation containing a description of the 1/1/10 operative date for a new subparagraph (c)(6) added to the existing list of the "Auto Body Repair Consumer Bill of Rights".

Title 10
California Code of Regulations
AMEND: 2695.85
Filed 02/03/2010
Agency Contact: Drake Shogun (916) 492-3535

File# 2009-1222-01
DEPARTMENT OF SOCIAL SERVICES
Smoking Prohibition in CCL Facilities

This regulatory action implements SB 7 (Statutes of 2007, Chapter 425) which made it unlawful to smoke a pipe, cigar or cigarette containing tobacco or any other plant material in a motor vehicle in which there is a minor. This action also prohibits such smoking in any community care facility and on the grounds of the facility.

Title 22, MPP
California Code of Regulations
ADOPT: 84074 AMEND: 83074, 83087, 84087,
84274, 86074, 86087, 86574, 89374
Filed 02/04/2010
Effective 03/06/2010
Agency Contact: Robin Garvey (916) 657-3588

File# 2009-1229-01
FISH AND GAME COMMISSION
2010-2012 Sport Fishing Regulations
The Fish and Game Commission amended the sport fishing regulations in title 14 of the California Code of Regulations.

Title 14
California Code of Regulations
ADOPT: 1.54, 5.70, 5.83 AMEND: 1.74, 2.00, 2.09,
2.30, 3.00, 5.00, 5.15, 5.30, 5.37, 5.40, 5.51, 5.60,
5.79, 5.80, 5.81, 5.82, 5.87, 5.88, 7.00, 7.50, 8.00,
27.80, 27.92, 29.90, 700, 701
Filed 02/09/2010
Effective 03/01/2010
Agency Contact: Jon Snellstrom (916) 653-4899

File# 2009-1222-02
OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD
Airborne Contaminants

This rulemaking amends Title 8 section 5155 of the California Code of Regulations. OSHSB is tasked with regulating employee exposure to toxic materials. Changes are being made to Table AC-1 to establish new Permissible Exposure Limits (PEL) (limits designed to protect workers from the effects of exposure to hazardous substances) and to amend existing PELs for 13 substances.

Title 8
California Code of Regulations
AMEND: 5155
Filed 02/03/2010
Effective 08/03/2010
Agency Contact: Marley Hart (916) 274-5721

File# 2009-1218-03
SAN FRANCISCO BAY CONSERVATION AND
DEVELOPMENT COMMISSION
San Francisco Waterfront Special Area Plan

In this regulatory action, the San Francisco Bay Conservation and Development Commission amends the San Francisco Waterfront Special Area Plan. The amendments revise the Open Water Areas Policies and the Plan Implementation Requirements of the Special Area Plan to allow a project that proposes to retain a

portion of the "valley" and non-historic shed additions (fill) between Pier 15 and Pier 17 and to define the requirements of an alternative fill removal program. The amendment includes a revision to the San Francisco Waterfront Special Area Plan Figure 2 Open Water Basins, Open Water Areas and Public Plazas, and Special Area Plan Map 2.

Title 14
California Code of Regulations
AMEND: 11960
Filed 02/03/2010
Effective 02/03/2010
Agency Contact: Lindy L. Lowe (415) 352-3642

**CCR CHANGES FILED
WITH THE SECRETARY OF STATE
WITHIN September 9, 2009 TO
February 10, 2010**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 2

02/09/10 ADOPT: 59660
01/26/10 ADOPT: 1899.570, 1899.575, 1899.580,
1899.585
01/25/10 AMEND: 58100
01/19/10 AMEND: div.8, ch. 102, sec. 59100
01/14/10 AMEND: Section 27000
01/13/10 ADOPT: div. 8, ch. 119, sec. 59640
01/11/10 ADOPT: 18229.1, 18944 REPEAL:
18944
01/05/10 AMEND: div. 8, ch. 49, sec. 53800
12/22/09 AMEND: 1859.96, 1859.148.2,
1859.166.2
12/21/09 AMEND: 1896.4, 1896.12
12/21/09 ADOPT: 20714.5 AMEND: 20711,
20712, 20714, 20716, 20717, 20718,
20719
11/24/09 AMEND: 1859.2
11/24/09 AMEND: 1859.2, 1859.35, 1859.51,
Form SAB 50-02, SAB Form 50-03,
SAB Form 50-04
11/17/09 ADOPT: 20810, 20811, 20812, 20813,
20814, 20815, 20816, 20817, 20818,
20819, 20820, 20821, 20822, 20823,
20830, 20831, 20832, 20833, 20840,
20841, 20842
11/16/09 AMEND: 1859.129, 1859.197

11/12/09	ADOPT: 18944.4 AMEND: 18944.3	09/22/09	AMEND: 6562
11/12/09	ADOPT: 18219, 18734	09/15/09	AMEND: 3434(b)
11/09/09	ADOPT: 1859.148.2, 1859.166.2 AMEND: 1859.2, 1859.121, 1859.164.2, 1859.197	09/14/09	AMEND: 3435(b)
11/09/09	ADOPT: 604 REPEAL: 604	09/10/09	ADOPT: 2300.1, 2300.2, 2300.3 AMEND: 2300
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Title 21		01/29/10	AMEND: 5000, 5001, 5002, 5010, 5011, 5012, 5013, 5020, 5020.5, 5021, 5022, 5023, 5023.5, 5024, 5025, 5026, 5027, 5028, 5029, 5030, 5032, 5034, 5036, 5038, 5040, 5043, 5050, 5051, 5052, 5053, 5054, 5055, 5056, 5057, 5060, 5061, 5062, 5063, 5070, 5071, 5072, 5073, 5080, 5081, 5082, 5082.5, 5083, 5090, 5094, 5301, 5302, 5304, 5306, 5308, 5310, 5312, 5314, 5316, 5318, 5320, 5322, 5324, 5326, 5328, 5332, 5336, 5338, 5340, 5342, 5344, 5346, 5348, 5350, 5352, 5354, 5356, 5360, 5362, 5364, 5366, 5368 REPEAL: 5042
01/21/10	ADOPT: 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652	10/29/09	AMEND: 1008
10/06/09	ADOPT: 1412.1, 1412.2, 1412.3, 1412.4, 1412.5, 1412.6, 1412.7, 1412.8, 1412.9	10/15/09	ADOPT: 4100, 4102, 4104
09/16/09	ADOPT: 7700, 7701, 7702, 7703, 7704, 7705, 7706, 7707, 7708, 7709, 7710, 7711	09/17/09	AMEND: 637
Title 22		09/17/09	AMEND: 1008
01/27/10	AMEND: 4402.2, 4406, 4409, 4420, 4420.5, 4426	Title 27	
01/21/10	AMEND: 455.5–6, 455.5–7, 455.5–8	12/17/09	ADOPT: 10010 REPEAL: 10010
12/31/09	AMEND: 97018, 97019, 97215, 97216, 97222, 97225, 97226, 97227, 97231, 97232, 97234, 97240, 97241, 97244, 97245, 97246, 97249, 97260, 97261, 97264, 97267	12/02/09	AMEND: 27001
12/21/09	AMEND: 7314	10/26/09	AMEND: 25102(d)
11/24/09	ADOPT: 65800, 65801, 65802, 65803, 65804, 65805, 65806, 65807, 65808		
Title 22, MPP			
02/04/10	ADOPT: 84074 AMEND: 83074, 83087, 84087, 84274, 86074, 86087, 86574, 89374		
Title 23			
01/26/10	AMEND: 3939.10		
12/15/09	AMEND: 2200		

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01/29/10 ADOPT: 91-101, 91-110, 91-120,
91-130, 91-140

12/15/09 AMEND: 70-104

11/10/09 AMEND: 31-002, 31-003 and 31-502

12/22/09 AMEND: 11-425, 22-001, 22-003,

09/22/09 AMEND: 40-107, 42-213, 89-130